

IN THE COURT OF APPEAL OF SWAZILAND

CIVIL APPEAL NO.9/98

In the matter between:

NIGEL FENWICK APPELLANT

AND

IMPERIAL CAR RENTAL (PTY) LTD RESPONDENT

CORAM : R.N. LEON J A

: J.H. STEYN J A

: P.H. TEBBUTT J A

FOR THE APPELLANT : MR. DUNSEITH

FOR THE RESPONDENT :

JUDGEMENT

Tebbutt J A:

This appeal involves the interpretation of a written rental agreement under which a car was hired by the signatory to the agreement for use by another party, in order to determine the liability of such signatory to the lessor, a car rental company.

In the High Court, the latter company, which is the respondent in this appeal, was awarded judgement against the appellant for payment of the sum of E28091,00, together with interest and costs on the attorney and client scale.

It is against that judgement that the appellant brings this appeal.

The facts are the following:

An acquaintance of the appellant, one Leroy Rollins, on 5th April 1994 requested the respondent to hire him a motor vehicle viz a Toyota Corolla car. Rollins did not have a