



IN THE SUPREME COURT OF SWAZILAND

JUDGMENT

Held in Mbabane

Civil Appeal Case No. 08/2015

In the matter between:

SORAYA OSWIN ABBAS

1ST Appellant

OSHUT (PROPRIETARY) LIMITED

2ND Appellant

vs

PHILDA FREDA OSWIN GLOVER

Respondent

Neutral Citation: *Soraya Oswin Abbas v Philda Freda Oswin Glover(08/2015)*
[2015] SZSC30 (29th July 2015)

Coram: **S. B. MAPHALALA AJA, ANNANDALE AJA,M. J. DLAMINI AJA**

Heard: **3rd July 2015; 17th July 2015**

Delivered: **29th July 2015**

Case Summary: **Withdrawal of appeal – costs tendered.**

DLAMINI AJA,

- [1] This case appearing on the roll first came before this Court on the day set for it, the 3rd July 2015. On that day it turned out that the parties were not ready to proceed effectively with the appeal. The reason given was that the July session had not been timeously anticipated for all relevant documents to be filed in terms of the Rules of Court. For example, some documents like heads of argument were only served that very same morning and had not reached some members of the Bench by the time of the sitting of the Court. In the result the parties were allowed to prepare themselves and the hearing was adjourned to 9.30 a.m. On 17th July 2015.
- [2] On the 16th July 2015, that is, a day before the hearing as agreed, the Appellants, represented by counsel, filed a notice of withdrawal of the appeal and tendered costs to Respondent. That being the case, when the Court sat on the 17th July 2015, counsel for Appellants informed the Court that the Appellants were withdrawing the appeal, and that this was the agreement with Respondents, who were also represented. The parties were accordingly informed that confirmation of the withdrawal will be delivered today.
- [3] It is the order of this Court that this appeal be withdrawn with costs as tendered by the Appellants.

M. J. DLAMINI AJA

I agree

S. B. MAPHALALAAJA

I agree

J. P. ANNANDALE AJA

For Appellants: Ms. B.Dlamini

For Respondents: Mr. T. M. Mlangeni