



**IN THE SUPREME COURT OF SWAZILAND**

**JUDGMENT**

Held in Mbabane

Appeal Case No. 41/2014

In the matter between

**JABULANI RICHARD NKHABINDZE**

**Appellant**

and

**SWAZILAND DEVELOPMENT AND  
SAVINGS BANK**

**1<sup>st</sup> Respondent**

**BADENHORST AND SONS IRRIGATION  
(PTY) LTD**

**2<sup>nd</sup> Respondent**

**CHRISTO BADENHORST**

**3<sup>rd</sup> Respondent**

**DERRICK BADENHORST**

**4<sup>th</sup> Respondent**

**Neutral Citation:** *Jabulani Richard Nkhabindzev Swaziland Development  
And Savings Bank & 3 Others(41/2014) [2015] SZSC29(29<sup>th</sup>  
July 2015)*

**Coram:** **M. C. B. MAPHALALA ACJ, J. P. ANNANDALE  
AJA.And M. J. DLAMINI AJA**

**Heard:** **7<sup>th</sup> July 2015**

**Delivered:** **29<sup>th</sup>July 2015**

**DLAMINI AJA,**

- [1] When this matter came up for hearing it appeared that there were some difficulties with the record of appeal not being duly certified by the Registrar. Whether the appeal should be deemed as abandoned or to have lapsed due to the non certification of the recordand whether it was possible to be condoned was briefly mooted,but it is not necessary to decide these issues since the parties intimated that in any event they had reached an amicable agreement.
- [2] The parties subsequently filed with the Court a duly signed Agreement of Settlement dated the 7<sup>th</sup> July 2015, in terms of which the Appellant *inter alia* abandoned the appeal.
- [3] The parties applied that the Agreement be made Order of Court.
- [4] It is so ordered.

---

**M. J. DLAMINI AJA**

**I agree**

---

**M. C. B. MAPHALALA ACJ**

**I agree**

---

**J. P. ANNANDALE AJA**

**For Appellants: Mr. M. Mabila**

**For Respondent: Mr. T. M. Mlangeni**