



**IN THE SUPREME COURT OF SWAZILAND**

**JUDGMENT**

**HELD AT MBABANE  
/2015**

**CIVIL APPEAL CASE NO: 61**

In the matter between:

**FIRST FINANCE (PTY) LTD.**

APPELLANT

AND

**BHEKINKHOSI BRIGHT TSABEDZE**

1<sup>ST</sup> RESPONDENT

**THE ACCOUNTANT GENERAL**

2<sup>ND</sup> RESPONDENT

**THE ATTORNEY GENERAL**

3<sup>RD</sup> RESPONDENT

**Neutral Citation:**

*First Finance (Pty) Limited vs. Bheki  
Bright Tsabedze and 2 Two Others  
(61/2015) [2016] SZSC 14 (30<sup>th</sup> June  
2016)*

**Coram:**

**MCB MAPHALALA CJ**

**DR. B.J. ODOKI, JA**

**M.J. MANZINI, AJA**

**Heard:** **16 May 2016**

**Delivered:** **30 June 216**

**Summary:** *Civil Appeal - Application for postponement of the appeal by the Appellant - Appellant seeks to engage services of a senior Counsel from Johannesburg with special knowledge and skills in commercial litigation - Matter involves credit finance where the law seems uncertain or contentious - 1<sup>st</sup> Respondent has no objection to the application - Application for postponement to next session granted with costs to the 1<sup>st</sup> Respondent.*

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## **JUDGMENT**

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**DR. B. J. ODOKI J.A.**

[1] The Appellant, First Finance (Pty) Limited, who were the appellants in the main appeal, brought an application against the Respondents for the following orders:

1. Granting a postponement by consent of the Respondent of the above mentioned matter from the present session to the next session of the Supreme Court.

2. Further and/or alternative relief.

[2] The Application was accompanied by an affidavit sworn by Zwelethu Desmond Jele, Counsel of the Appellant.

[3] In his affidavit, Mr. Jele states that prior to the publication of the draft Roll of the Supreme Court he had received instructions from his clients to seek for postponement of the matter to the next session. The reason for postponement was to enable his client to seek the services of a senior Counsel from South Africa knowledgeable in commercial litigation to argue the appeal, but who would not be available during the May Session.

[4] Mr. Jele states further that he wrote to the 1<sup>st</sup> Respondent who replied saying that he had no objection to the postponement of the matter to the second session of the Supreme Court, provided costs are tendered to him.

[5] When the application came up for hearing, Mr. Jele moved his application on the grounds stated above.

[6] The 1<sup>st</sup> Respondent confirmed that the application was not opposed.

[7] Accordingly, by consent of both parties, the application is granted and the appeal is postponed to the next session with costs to the 1<sup>st</sup> Respondent.

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**DR. B.J. ODOKI**  
**JUSTICE OF APPEAL**

I agree

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**M.C.B. MAPHALALA**  
**CHIEF JUSTICE**

I agree

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**M.J. MANZINI**  
**ACTING JUSTICE OF APPEAL**

FOR THE APPLICANT: **MR. Z.D. JELE**

FOR THE 1<sup>ST</sup> RESPONDENT: **MR. B.B. TSABEDZE**