



IN THE SUPREME COURT OF SWAZILAND

JUDGMENT

HELD AT MBABANE

Civil Case No. 77/2015

In the matter between:

DAVIDSON DISTRIBUTORS

Applicant

And

SWAZILAND COMPETITION COMMISSION

Respondent

Neutral citation: Davidson Distributors vs. *Swaziland Competition Commission*
(77/2015) [2016] SZSC 19 (30 June 2016)

Coram: **DR. B.J. ODOKI, JA**
S.P. DLAMINI, JA
C. MAPHANGA, AJA

Heard: 19 May 2016

Delivered: 30 June 2016

Summary: *Civil Appeal – Consent order – amendment of the judgment of the court a quo – Judgment of the court a quo upheld and new*

paragraph added – cost awarded to the respondent at the normal scale.

JUDGMENT

S. P. DLAMINI, JA

[1] This is an appeal that arose from a judgment of the Magistrate Court granting Summary Judgment in favour of the appellant herein.

[2] Having not been satisfied with the Summary Judgment, the respondent herein filed an appeal at the court *a quo*. The appeal was upheld with costs. The appellant then filed an appeal against the judgment of the court *a quo*.

[3] At the hearing of the matter on the 19th May 2016 Counsel for both the appellant and respondent consented that the matter be referred back to the Magistrate Court for hearing and that respondent be awarded costs at the normal scale.

ORDER

[4] Consequently, the orders of this court are that by consent;

- (i) The judgment of the court *a quo* is upheld;
- (ii) At the end of the judgment of court *a quo*, the following sentence is inserted ***“the matter be and is hereby referred back to the Magistrate Court for hearing”***; and
- (iii) Respondent is awarded costs at the normal scale.

S.P. DLAMINI
JUSTICE OF APPEAL

I agree

DR. B.J. ODOKI
JUSTICE OF APPEAL

I agree

C. MAPHANGA
ACTING JUSTICE OF APPEAL

FOR THE APPELLANT: **K. Q. MAGAGULA**

FOR THE RESPONDENT: **N.S. MANZINI**