

IN THE HIGH COURT OF SWAZILAND

Civ. Case No. 271/96

In the matter between:

ABSALOM GWEBU Applicant

vs

THE CHAIRPERSON OF THE ROAD

TRANSPORTATION BOARD 1st Respondent

THE ATTORNEY GENERAL 2nd Respondent

DUMA C. MSIBI 3rd Respondent

CORAM: S.W. Sapire A.C.J.

FOR THE APPLICANT Mr. S.C. Dlamini

FOR 1ST & 2ND RESPONDENTS Attorney General

FOR THIRD RESPONDENT Mr. J. Mavuso

Judgment

(3/5/96)

In this matter the applicant seeks an order staying the decision of the first respondent granting the third respondent a licence.

I have considered the papers and in my view the application for interim relief which this is, cannot succeed because the necessary requirements are not met.

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Although there is a bald allegation of irreparable loss, it is insufficient to fulfil this request. There is no evidence of any loss or what the loss would be and why it is irreparable.

There is also a difficulty that it is not for this court to in effect remove the licence of the third respondent for any period. This is not a case where the applicant seeks an interim relief pending appeal in respect of an application brought by him and this court in my view has no jurisdiction to cause any licence granted by the Board to be suspended.

In this case the application must also fail with costs.

S.W. SAPIRE

ACTING CHIEF JUSTICE