

IN THE HIGH COURT OF SWAZILAND SEAN B.

MILES

Plaintiff

And

JABULANI DLAMINI

Defendant

Civil Case No. 2350/2007

Coram

S.B. MAPHALALA - J

For the Plaintiff

MR. M .NKOMONDZE

For the Defendant

MISS R. MAMOGOBO

JUDGMENT 21st

September 2007

[1] On the 14th September 2007, in the uncontested roll Counsel for the Defendant applied that this matter be postponed to the 21st September 2007, in the contested motion of that day for arguments on the Notice in terms of Rule 6 (12) (c) of the High Court Rules. On the other hand Counsel for the Plaintiff contended that the Notice in terms of Rule 6 (12) (c) does not apply in the present case and therefore Plaintiff is entitled to an order for summary judgment forthwith. It appears to me that Counsel for Plaintiff is jumping the gun in that on the 21st September 2007, the issue of the notice in terms of Rule 6(12) (c) will be debated. On the arguments I heard on Friday 14th September 2007, Counsel for Defendant did not argue this aspect of the matter. Therefore it would not be proper to give a ruling on the effect of Rule 6 (12) (c) without hearing the other side.



S.B. MAPHALALA

JUDGE

[2] In the result, for the afore-going reasons the matter is postponed to the 21st September 2007, for arguments on the effect of Rule 6 (12) (c). I make no order as to costs.