

IN THE HIGH COURT OF LESOTHO

In the matter between :

STEPHEN KEFUOE MAKHOHLO Plaintiff

v

RAZAK DAMBHA Defendant

JUDGMENT AS TO COSTS

Delivered by the Hon. Acting Judge, Mr. J. Unterhalter
on the 3rd December, 1982.

On the 3rd December 1982 Mr. Kolisang for the Plaintiff requested an amendment to the prayer to include a claim for costs of suit and alternative relief. Mr. Moiloa for the Defendant did not oppose this and the amendment was granted.

The application for the amendment became necessary because there had not been a claim for costs when the particulars of claim were originally drawn. By reason of this fact the following order was made :

The costs of the action are to be paid by the Defendant save the costs of appearance in Court on 3rd December 1982 when an amendment was granted to permit of the prayer being altered to claim costs of suit and alternative relief. In respect of the latter costs the Plaintiff is ordered to pay them but the attorney for the Plaintiff must repay the Plaintiff de bonis propriis, and costs in respect of this amendment as between attorney and client are disallowed. The Plaintiff is declared a necessary witness.

By consent leave to stay execution is granted but this order is not to be uplifted until notice of appeal is filed with the Registrar. The Defendant is to provide such security for costs as the registrar may determine.



J. UNTERHALTER.
ACTING JUDGE

For the Plaintiff : Mr. G.M. Kolisang
For the Defendant : Mr. T. Moiloa.