

IN THE HIGH COURT OF LESOTHO

In the Application of :

L.P.S. FOOTBALL CLUB

Applicant

V

MEJAMETALANA PROFESSIONAL F.C.
LESOTHO SPORTS COUNCIL

1st Respondent
2nd Respondent

J U D G M E N T

Delivered by the Hon. Mr Justice M.L. Lehohla
on the 13th day of February, 1990.

The applicant approached this Court on urgent basis seeking an order of this Court setting aside a decision delivered by 2nd Respondent on 1st February, 1990.

It appears that following a protest by the 1st Respondent that one Palime Letuba allegedly a player for Maseru Brothers F.C. was fielded as a player by the applicant without any transfer forms entitling him to do so having previously been filled and filed in the relevant office of the 2nd Respondent a decision was made by the 2nd Respondent.

Consequently the applicant forfeited the points for the game it was alleged to have fielded Letuba in. The initial decision was given by the Senior Football Executive Committee a sub-committee of the 2nd Respondent.

On appeal to the 2nd Respondent the decision of the sub-committee was confirmed.

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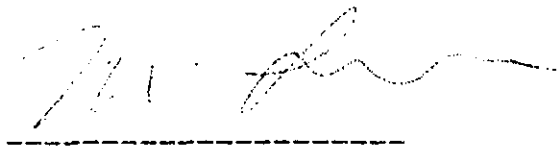
The sub-committee observed the witnesses and heard their respective versions. Obviously it did not believe the applicant's evidence that Letuba was on duty at the Prisons Department where he works throughout the period when he was observed by witnesses who saw him play for the applicant on 16th September 1989 while he had earlier been seen playing for Maseru Brothers F.C. on 2-9-89 and 2-4-89 respectively.

The second respondent was invited by the applicant to correct a mistake by the Senior Football Executive Committee. The second respondent complied and no doubt basing itself on EX."A" a Duty List for Prisons Department substituted the time 1400 hrs to 2200 for 0600 hrs to 1400hrs.

Otherwise the 2nd respondent declined to interfere with the decision of the Senior Football Executive Committee.

I listened to the arguments and read the papers but have not been able to find any irregularity on the basis of which this Court can be said to be entitled to interfere. It is not for this court in a matter like this to substitute its verdict for that of the tribunal of first instance in the absence of proof of bias, unreasonability, prejudice, ill motive or corruption levelled at that tribunal.

The application is dismissed with costs.



J. U D G E.

12th February, 1990.

For Applicant : Mr Mphalane
For Respondents : Mr Monaphathi.