THE APPEAL COURT OF LESOTHO

C. of A. (CIV)6/88

'MAKHAPHA MOLOINYANE

Appellant

and

'MAMAHELE RADEBE

Respondent

MR. MOOROSI : I am for the Respondent.

AARON J.: Who is Counsel for the Appellant?

MR. MOOROSI: It is Mr. Kambule, My Lord.

He has not been here, My Lord, since the beginning of this Session. REGISTRAR:

SCHUTZ J.P.: Mr. Kambule has signed this. Was the ...

Roll for this Session served on his office. And at the stage that you brought this to his notice, did he know that the matter was on the roll?

REGISTRAR: Yes My Lord.

SCHUTZ J.P.: Well, Mr. Moorosi, what are you asking

for?

PLEWMAN J.: In the matter the Applicant filed the

Application for Condonation of the late filing of the Notice of Appeal and this should be on a Record which is being prepared.

Well, My Lord, firstly, well, I would ask Your Lordships to dismiss the Appeal. MR. MOOROSI:

Firstly for lack of prosecution and now that, if I heard Madame Registrar very well, that the Notice of Appeal was insufficiently stamped or the papers were insufficiently stamped, it

would mean that there is no appeal before this court. But since it has

/been ...

been placed on the roll, I ask that it should be dismissed, My Lord.

PLEWMAN J.:

And I should think you are going to ask that the Condonation Application

should be dismissed as well?

MR. MOOROSI:

Yes, My Lord, the application.

PLEWMAN J.:

Yes, and you are asking for Costs?

MR. MOOROSI:

Yes, My Lord.

SCHUTZ J.P:

Well, I would suggest that the Order then is that the Condonation Application be dismissed with Costs and that

there is no appeal.

PLEWMAN J .:

In this matter the Applicant files the Condonation for the late filing of the Notice of Appeal, and this should be held on a Record which is being prepared. Mr. Moorosi for the Respondent has asked that the Application for Condonation be dismissed.

It appears to us (to me) that that is, the proper Orden basmake, sandrheaus now therefore; Adamomaking man Bordet dismissing the Application; fortices Condonation.

SCHUTZ J.P.:

I agree, and I would add an observation, that is, I regard it as grossly discourteous on the part of Advocate Kambule not to have informed this court that this Appeal would not have to be an opposed matter. This court has greatly been imposed upon at this Session and the previous one and had its time wasted and over again, and this is another example.

AARON J.:

I also agree.

PLEWMAN J.:

Well them it is so ordered. The court will adjourn to be reconstituted.

(SIGNED)

S. AARON JUDGE OF APPEAL

Delivered at MASERU this 24th day of January, 1990.