

IN THE HIGH COURT OF LESOTHO

In the matter of :

LECHESA MAKHALEME	1st Plaintiff
MOTSOARI MAKHALEME	2nd Plaintiff

v

RAMPINKI KHESA	1st Defendant
MONESA MPATA	2nd Defendant
SEBOKA NLELE	3rd Defendant
KUTU SEUTLOALI	4th Defendant
MALEFANE LEBAJOA	5th Defendant
KHOLELI MPOPO	6th Defendant
LEKAU MPOPO	7th Defendant
PHILIP SEUTLOALI	8th Defendant

D E F A U L T J U D G M E N T

Delivered by the Hon. Mr. Justice M.L. Lehohla on the  
6th day of November, 1994

The Court has just heard evidence from plaintiff No.1 the father of plaintiff No.2.

Plaintiff No.2 according to evidence was herding after his father's stock in the cattle post and the defendants (eight of them) starting with Rampinki Khesa, Monesa Mpata, Seboka Ntlele, Kutu Seutloali, Malefane Lebajoa, Kholeli Mpopo, Lekau Mpopo and Philip Seutloali went to the cattle post, assaulted the second plaintiff and in the result the second plaintiff sustained a number

of injuries a photograph of which was taken five days after he had been admitted for treatment at hospital. This photograph was handed in marked Exhibit "A".

The photograph shows terrible scars which show that the manner of assaulting him was most savage to say the least. I have heard from the second plaintiff's father that the second plaintiff has, as a result of these injuries, got disorganised in the head and that this manifests itself in the peculiarity that has since characterised the 2nd plaintiff in that he has developed a tendency to run away. Consequently 1st plaintiff has had to have somebody guarding after his son. It is as a result of this tendency to flee that the 1st plaintiff has had to hire a herdboys who looks after stock; and it is on payment of one heifer per year; and so far the herdboys has received two heifers costing M350-00 per heifer.

I was told that the herdboys is turning his third year of service under 1st plaintiff this year.

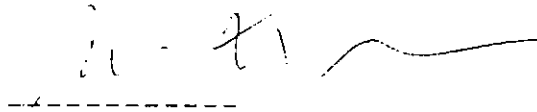
The Court has also heard that two hundred and fifty sheep as a result of defendants' chasing the 1st plaintiff's son from the cattle post have gone missing together with certain items of property which were kept at the cattle post consisting of a bag of salt, mealie meal bag, two spades, three pots and seven chicken all costing no less than fifty thousand two hundred and eighty eight Maluti.

It is my view that the 1st plaintiff has been able to make out a case in evidence against the defendants. They are not before Court. They have been served with summonses. They did not enter any notice of appearance to defend. So the matter has been set down today by notice of set-down without reference to them. That is in accordance with the Rules of Court. So the matter had to be referred to oral evidence because the damages claimed had to be proved as this was not a Liquid claim.

In the result Judgment is entered for both plaintiffs at the total amount of Hundred Thousand Maluti. The Hundred Thousand Maluti is a reasonable claim made out by two plaintiffs. Some amount in excess of that has been proved. So the Hundred Thousand would tend to be on the conservative side. The amount above M50 200 takes account of the trauma suffered by the 2nd plaintiff whose life has been rendered useless because of the savage assaults by defendants on him. It seems that unless he receives proper therapy he is doomed for life. More is the pity because he has been condemned to this poor state at an early age of 16.

The defendants are ordered to pay the two plaintiffs jointly

and severally the sum of Hundred Thousand Maluti one paying the others to be absolved; and costs.

A handwritten signature in black ink, appearing to be 'A. T.', written over a horizontal dashed line.

J U D G E

7th November, 1994

For Plaintiffs : Mr. Khasipe

For Defendants : No Appearance