

CIV/T/39/95

IN THE HIGH COURT OF LESOTHO

In the matter between:

SKOLIZA CHAMBO

PLAINTIFF

and

OOANE LEBELLO

DEFENDANT

JUDGMENT

Delivered by the Honourable Mr. Justice G.N. Mofolo,
Acting Judge, on the 15th day of September, 1995.

In this matter the plaintiff issued summons in which he
claimed against the defendant the sum of M65.000 made up of:

- (i) 50 herd of sheep worth M800-00 each, their wool and the
offspring M200-00;
- (ii) 15 herd of goats worth M700-00 each their mohair and
the offspring M300-00;
- (iii) interest thereof at the rate of 11% per annum;
- (iv) costs of suit and
- (v) further and/or alternative relief.

On 28th February, 1995 Notice of Appearance to Defend was
lodged by Adv. Putsoane (instructed by Messrs S.N. Peete & Co.).

On 28th April, 1995 applicant's attorneys lodged Notice to File Plea and defendant never pleaded. The matter was set down on a number of occasions under Rule 27(3), culminating on the set down of 14th August, 1995 and hence the present judgment.

According to the plaintiff's evidence a claim had been made in the Magistrate's Court Quthing but for want of jurisdiction in had been decided to issue summons in this court. He further testified that his claim was based on animals which the defendant drove away from the plaintiff under colour of chieftainship powers. It was never clear why the defendant drove away plaintiff's animals and attempts by senior chiefs and police had failed to have defendant restore plaintiff's animals. It had also been discovered that the animals were no longer in defendant's possession and hence this action.

Plaintiff's summons was couched in a most difficult manner there being also duplication of claims quite apart from the plaintiff having not been able to justify his claim for offspring or wool and mohair proceeds.

Accordingly judgment is entered for the plaintiff as prayed in the summons with costs except that there will be no judgment for offspring or proceeds of wool and mohair.

~~G.N.~~ MOFOLO

Acting Judge

14/9/1995

For Plaintiff: Mr. Sooknanan