

CIV/T/255/95.IN THE HIGH COURT OF LESOTHO

In the matter between :

MAHOOANA MOLAPO
TLALE LINKO

1ST PLAINTIFF
2ND PLAINTIFF

and

MASABIELLA HIGH SCHOOL
LITHA SHIDI
THE PRINCIPAL MASABIELLA HIGH SCHOOL

1ST DEFENDANT
2ND DEFENDANT
3RD DEFENDANT

JUDGMENT

Delivered by the Honourable Mr. Justice T. Monapathi
on the 13th day of november 1995

I did not find any problem in awarding these Plaintiffs their claim which were contained in their summons dated the 25th August, 1995. The Defendants were served with the summons on the 6th September 1995. The Defendants did not respond in any of the ways allowed in the rules of Court. The Plaintiffs therefore applied for default judgment. They furthermore asked for amendments to prayers 3 and 4 to read 18% instead of 2.5% and

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for, substitution of M221.82 for the First Plaintiff's claim under prayer 3 and substitution of M1281.40 for Second Plaintiff's claim under prayer 4. This I allowed. They put in *viva voce* evidence of the Plaintiffs themselves in prove of their claims. They did because prayers 1 and 2 which were for damages, which were unliquidated claims.

A few things that surround to the events leading to the cause of the claims were a bit obscure. This had to do with the nature of undefended claims. There cannot always be a full and complete inquiry as we understand it in this kind of claims. I need not dwell on those things inasmuch as I thought however that, the Plaintiffs were able to prove their claims.

There had been a students' trip to Swaziland in which the Plaintiffs, as teachers, accompanied the students. The conduct of the trip was not quite satisfactory. The School management of Masabielleng High School, at which these Plaintiffs were teachers, at the material time, associated the problems of the trip or the unsatisfactory conduct of the students with the influence of Plaintiffs. The Plaintiff were popular with the students. It is against this background that sometime in October 1993 the students

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went on strike.

The students's strike resulted in a meeting of the students parents which was called by the school management committee. In that meeting the Second Defendant while acting as the school management committee Chairman, said words to the effect that the Plaintiffs were the perpetrators or fomenters of the strike because of their ambitions to head the school. The words were nearly as follows when rendered in Sesotho: "Batsoali, batho bana ke bona ba bakang moferefere ke bona ba hlohlelletsisi ba seteraeke sena se teng" Loosely translated: "Parents, this people are the people who cause commotion and who encourage this present strike." They were given no opportunity to reply and went out humiliated. The meeting then dispensed. The strike was later quelled.

As a result of the said meeting the Plaintiffs have been uncomfortable in the knowledge that their characters and reputations have gone low in the estimation of the parents and villagers. They were now unpopular and became fearful that harm would come to them as a result of the defamatory statements by the Second Respondent, made before the parents.

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The Plaintiffs then intended to resign at the month of December 1993. This they did, to take effect from the month of January 1994. The school management and the Third Respondent withheld their different salary cheques for the month of December 1993. The reason was that the funds contained in the cheques would be applied for repair of property damaged during the strike. These cheques have to date not been paid to the Plaintiffs. The respective amounts of the monthly cheques have been proved by the pay slips which have been handed as Exhibits "A" for M1221.82 and Exhibit "B" for M1281.40. I took the view that the cheques were unjustly withheld and the claims in respect of the unlawful refusal to pay over the cheques ought to succeed.

I would find that the Plaintiffs were unlawfully defamed. One of the consequences of this defamation was that having applied for positions of teachers at some schools the allegation that they were responsible to the strike at the First Defendant's school were well propagated and caused the authorities' thereat to refuse to consider their applications. They are now luckily employed as teachers after going through the agony.

I made the following Order : That the claims were allowed as follows:

1. M2,500.00 to the First Plaintiff as damages to defamation.
2. M2,5000.00 for the Second Plaintiff as damages to defamation.
3. M1221.82 to First Plaintiff for withheld salary.
4. M1281.40 to Second Plaintiff for withheld salary.
5. Interest on the above amounts at the rate of 18%.
6. Costs are awarded to the Plaintiffs on the ordinary scale.
7. The amounts awarded to the Plaintiffs are to be paid by the Defendants jointly and severally one paying to

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other to be absolved.

J. MONAPATHI
JUDGE

For Plaintiffs : Advocate B. Makotoko