

CIVAPN\443\95

IN THE HIGH COURT OF LESOTHO

**In the Application of :**

**JOSHUA RAMAISA**

**Applicant**

vs

**JESSIE RAMAKATANE  
'MAMOHAPI MARTHA PHALATSI  
THE COMMISSIONER OF LANDS  
LESOTHO BANK  
THE REGISTRAR OF DEEDS  
THE ATTORNEY GENERAL**

**1st Respondent  
2nd Respondent  
3rd Respondent  
4th Respondent  
5th Respondent  
6th Respondent**

J U D G M E N T

31 - 7 - 1998

On 23rd September, 1996 this Court made the following order :

“Points of law raised on behalf of the respondents are upheld with costs. Reasons for judgment to follow”.

These are now the reasons spoken of :-

The applicant had obtained on 7th December 1995 a *Rule Nisi* returnable on 18th December 1995 calling upon the Respondents to show cause, if any, why

1. (a) The Deed of Transfer marked "JR3" and annexed to the applicant's founding affidavit shall not be declared null and void and of no force and effect;
- (b) The Minister's Consent accompanying "JR3" shall not be declared invalid and of no force and effect;
- © the purported hypothecation of land described as plot number 13283-331 situate at Cathedral Area, Maseru Urban Area by the 1st Respondent in favour of the 4th Respondent shall not be declared invalid and of no force and effect;
- (d) The registering of the said hypothecation by the 5th Respondent shall not be declared of no legal force and effect;
- (e) A copy of Lease No. 13283-331 annexed hereto and marked "JR2" shall not be declared sufficient to pass transfer of the land from the 2nd Respondent to the Applicant;
- (f) The 1st Respondent's occupation of the land and premises situate thereon shall not be declared unlawful;
- (g) The 1st Respondent shall not be ordered forthwith to vacate the land and premises situate thereon;
- (h) The 1st Respondent shall not be ordered to pay the costs of this application on the scale as between attorney and client, the