

CIV/APN/217/00 IN
THE HIGH COURT OF LESOTHO

In the matter between :-

NTHABISENG MOHOBANE APPLICANT

And

BASIA MARAISANE RESPONDENT

JUDGMENT

Delivered by the Hon. Acting Judge Mrs Justice Hlajoane on the 14th November, 2001.

This Application was filed on urgent basis on the 16th June, 2000 and heard same day when the rule nisi was granted. After service to the Respondent on the 19th June, 2000, a notice of intention to oppose was filed same day. The answering and replying affidavits were filed in their proper sequence and the matter was finally set for hearing on the 27th November, 2000. I must first give a brief summary of the facts of this case.

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Applicant and Respondent had been lovers and stayed together here in Maseru at New Europa. The Applicant was transferred to Quthing, Tele Bridge, as she works at Department of Customs. The separation might have brought about the end of their relationship, but the fact of the matter is that their relationship ended. It has been the Applicant's case that when she came to live with the Respondent she had brought along with her some property which she listed under Annexure "A" to her founding papers. Applicant alleges that the Respondent is now refusing to release the property to her as he too claims to be the owner, hence the present Application.

On the 27th November, 2000 both Counsel were heard and my brother Maqutu J made the following order:-

- 1) That the application be converted into an action in respect of the balance of the property that remained in Respondent's possession.
- 2) Applicant was ordered within 10 days to amend the Application by way of Summons specifying the property she claims and providing full particulars of when and how she came to be the owner of that property.
- 3) Respondent by way of a detailed plea was expected likewise to plead to Plaintiff/Applicant's claim, specifying in full and
- 4) how he came to be in possession of the said property. This plea was expected to have been filed within 14 days.
- 5) The matter was postponed to 29th and 30th days of January, 2001.

The Summons were duly filed and served as requested and later Respondent/Defendant was asked to file his plea in terms of the Rules of Court and was served with that notice. He did not respond and the matter was finally set for hearing to today and Defendant served with the notice of set down.

When the matter was heard there was no appearance for the Defendant and Counsel for the plaintiff showed he had just met Counsel for the Defendant who showed he no longer had any

interest in the matter but displayed an attitude of, "I will abide by whatever decision that will be made".

Plaintiff was called to give her evidence and also produced receipts as proof of ownership to some of the property which was listed and showed the rest of other property has already been released to her.

After hearing evidence from the plaintiff/Applicant I gave judgment in her favour with costs as she has produced proof of ownership to the property by handing in the receipts written in her name for the lounge suit, master fridge, carpet, wall unit and Bedroom suit with its base.

A.M. HLAJOANE
ACTING JUDGE

For the Applicant/Plaintiff: Mr Nteso
For the Respondent/Defendant: Mr Hlaoli