

**IN THE COURT OF APPEAL OF LESOTHO**

**HELD AT MASERU**

**C OF A (CIV) NO. 06/2021**

**CCA/A/0001/2017**

**RAT/01/2016/17**

**C OF A (CIV) NO. 57/2015**

In the matter between -

**THABANG QATHATSI**

**APPELLANT**

**AND**

**THE COMMISSIONER GENERAL, LRA**

**1<sup>ST</sup> RESPONDENT**

**THE LESOTHO REVENUE AUTHORITY**

**2<sup>ND</sup> RESPONDENT**

**THE REGISTRAR OF THE HIGH COURT,**

**COMMERCIAL DIVISION**

**3<sup>RD</sup> RESPONDENT**

**CORAM:**

DR K E MOSITO P

P T DAMASEB AJA

DR J VAN DER WESTHUIZEN AJA

**HEARD:**

23 APRIL 2021

**DELIVERED:**

14 MAY 2021

***SUMMARY***

*Appellant representing himself; appeal struck off the roll because of failure to file certificate of leave to appeal; no costs order.*

## **RULING**

### **VAN DER WESTHUIZEN AJA**

[1] This appeal has a long history. What is relevant here though, is that on Friday 16 April 2021, before this Court, the legal representative of Mr Thabang Quathatsi, the appellant, withdrew. The appellant elected to represent himself. The matter was postponed, inter alia because of the late filing of parts of the record.

[2] On Friday 23 April 2021, before this court, counsel for the respondent pointed out that the required certificate from the High Court, granting leave to appeal, had not been obtained and filed. He asked for the matter to be struck off the roll of this Court. After some explanation, the appellant accepted that this was the situation and that the appeal could not proceed. He undertook to work on obtaining the required certificate without delay. The appeal had to be struck off.

[3] The issue of costs before this Court was debated and the decision of this Court reserved. Given the fact that the Appellant himself was not responsible for the failure to submit the certificate and the delay in the filing of the record, it would not be fair to mulct him in costs. There is also no reason to order costs against the respondent.

### **Order**

[4] The following is thus ordered:

(a) The appeal is struck off the roll.

(b) There is no order as to costs.



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**DR J VAN DER WESTHUIZEN**  
**ACTING JUSTICE OF APPEAL**

I agree



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**DR K E MOSITO**  
**PRESIDENT OF THE COURT OF APPEAL**

I agree



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**PT DAMASEB**  
**ACTING JUSTICE OF APPEAL**

**FOR APPELLANT:** ADV. N HLALELE (Later Appellant in person)

**FOR RESPONDENT:** ADV. R A NTEMA