

IN THE HIGH COURT OF LESOTHO
(Commercial Division)

**THOTANYANA MINING & CIVIL WORKS
(PTY) LTD**

PLAINTIFF

AND

MASTER OF THE HIGH COURT

1ST RESPONDENT

THE ATTORNEY GENERAL

2ND RESPONDENT

STANDARD LESOTHO BANK LTD

**INTERVENING
RESPONDENT**

RULING

[1] It is interesting that having extended the time frame for the filing of / submission of the report from the office of the Master of the High Court (“Master”), it appears that the court still does not have a proper report, for it to come to a decision, in relation to the application that brought us here in the first place. This is a pity indeed.

[2] The Master could only work with what she had, in view of the fact that she was unable to secure financial records and other documents that would have assisted the court. In this regard, it does appear that the applicant now

wants to be engaged, for it to be able to assist in the application for Judicial Management. I am surprised that the same enthusiasm was not afforded to the Master.

- [3] On the face of it, it appears that the applicant itself is no longer in any hurry to have the matter disposed of urgently. This stems from the fact that, even if the applicant was not served with the Master's report, it appears that it was aware that the report is available and it could have pursued it, after all the applicant wants this matter resolved as soon as possible.
- [4] Be that as it may, the application for Judicial Management is opposed and it would mean that we would still have to go through that process any way. I tend, therefore to agree with **Mr Rasekoai's** contention that, that application may have been overtaken by events, in view of the fact that there is a counter application for liquidation. The current applicant will then be able to ventilate its issues properly.
- [5] I am also aware that there is an application to sue and one for repossession. This has brought about the thorny issue of a postponement, which is opposed by the Intervening Respondent. I am of the opinion that, seeing that these are commercial matters, we are in the business of trying to resolve matters as speedily as we possibly can. It makes sense to me that if the applicant was made aware by the Intervening respondent that they intended to oppose the postponement, they ought to have come to court prepared for whatever eventuality.

[6] The parties are to proceed with the applications in a holistic manner in order to dispose of this matter. This means that the postponement sought by the applicant is not allowed and the parties are to prepare for the hearing of this/these matters in one sitting.

L. CHAKA-MAKHOOANE
JUDGE

For Applicant : **Mr Rasekoai**
For Intervening Respondent/ 3rd Respondent : **Mr. Mpaka**
For 1st and 2nd Respondents : **No appearance**