

LAC/CIV/A/03/03

IN THE LABOUR APPEAL COURT OF LESOTHO
HELD AT MASERU

In the matter between:

SUNNY BUILDWARE (PTY) LTD

APPELLANT

AND

TS'OLO MOTHOBİ

RESPONDENT

CORAM: THE HONOURABLE MR. ACTING JUSTICE K.E.MOSITO

ASSESSORS: MRS. M. THAKALEKOALA

MRS mOSEHLE

HEARD: 23 October 2007

DELIVERED: 29 October 2007

SUMMARY

Appeal filed in 2003 - No records of proceedings - No good reason was shown for non-appearance for Appellants on the date of hearing - The matter is dismissed in terms of Rule 13 (b) of the Rules of the Labour Appeal Court Rules 2002.

JUDGEMENT

Mosito AJ:

1. This is an old matter that was filed on 17 November 2003.
2. In this matter respondent appeared in Court at the date of hearing, but there was no appearance for Appellant.
3. No record of proceedings filed. It is clear that this is a matter in which appeal was noted merely to frustrate execution of the Labour Court judgment.
4. Respondent moved for the matter's dismissal for want of prosecution.

5. The matter is dismissed in terms of Rule 13 (b) of the Rules of the Labour Appeal Court Rules 2002 with costs to the respondent
6. My assessors agree.



K.E. Mosito

Judge of the Labour Appeal Court

For Appellant: No appearance

For Respondent: In person.

