

**IN THE LABOUR COURT OF LESOTHO**

**LC/REV/302/06**

**HELD AT MASERU**

**IN THE MATTER BETWEEN**

**THETSANE HARDWARE**

**APPLICANT**

**AND**

**SEHLABAKA MAKUTSOANE  
DDPR**

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

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## **JUDGMENT**

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***Date : 18/08/09***

***Application to review DDPR award - Application struck off for want of prosecution.***

1. On the 3<sup>rd</sup> November 2004, the 2<sup>nd</sup> respondent ordered the applicant herein to pay to the 1<sup>st</sup> respondent an amount of M3,722-54. This amount was made up of an order for severance pay in the amount of M1,175-54 and M2,547-00 being three months salary ordered as compensation in lieu of reinstatement for unfair dismissal.
2. The award was made by default as the person sent to represent the applicant was refused permission to represent it. On the 28<sup>th</sup> January 2005, the company filed the present application seeking an order in the following terms:
  - “(a) Stay of execution of the award in D013/04***
  - “(b) Rescission of the award***
  - “(c) Further and or alternative relief.***

3. The record was filed as required by the rules. None of the respondents filed opposing affidavits. Accordingly, the application could be presumed unopposed. However, the applicant did nothing to set the matter down for hearing. In the circumstances the Registrar, of her own motion decided to set down the matter for hearing on the 18<sup>th</sup> August 2009, pursuant to rule 12 of the rules of the Labour Court.
4. It was expected that the set down would elicit some reaction from either of the parties to appear before court and explain their inaction in the matter. On the date of hearing Mr. Mohapi of N.G. Thabane Chambers appeared on behalf of the applicant. He however registered his withdrawal as Counsel for the applicant. No one appeared for the 1<sup>st</sup> respondent.
5. The Court resolved to strike the matter off as it was apparent that applicant has lost interest by not finalizing the matter despite 1<sup>st</sup> respondent not opposing it. Accordingly, the review application was dismissed and no order of costs was made.

THUS DONE AT MASERU THIS 23rd DAY OF SEPTEMBER, 2009.

**L. A. LETHOBANE**  
**PRESIDENT**

**J. M. TAU**  
**MEMBER**

**I CONCUR**

**D. TWALA**  
**MEMBER**

**I CONCUR**

**NO APPEARANCE FOR EITHER PARTY**