



IN THE HIGH COURT OF SWAZILAND

Civ. Case No. 788/93

In the matter between:

NONHLANHLA DLAMINI

Plaintiff

and

THE ROAD TRANSPORTATION BOARD

Defendant

CORAM:

Hull, C.J.

FOR APPLICANT

Mr. Ndzimandze

FOR RESPONDENT

No appearance

Judgment

(26/8/94)

The plaintiff is a businesswoman who operates a bus service. In 1989 she applied to the Road Transportation Board for a permit to operate a scheduled passenger service between Manzini and Lozitha. In 1990 the Board granted her a permit. Thereafter she operated the service, her permit to do so in 1991 being amended on her application in early 1992.

Then on 7th February 1992, the Board purported to withdraw the permit. She challenged its decision in the High Court in Civil Case No. 319/92. On 13th March 1992 Dunn A.C.J. issued a rule nisi calling on the Board to show cause why the permit should not be returned to her. The rule was confirmed, unopposed, by Rooney J.

The plaintiff now claims damages for the loss sustained by her during the period that the permit was wrongfully withheld. This action is also unopposed.

She has lodged an affidavit setting out the facts in support of her claim. In it (as she did in her application for review) she says that during the period that the service had operated under the permit it used to earn for her not less than E8600. She also deposes that the permit was not returned until August 1992. She claims E51600 damage, i.e. six months loss of income.

Her evidence substantiates that claim. There will accordingly be judgment by default in the sum of E51600 with interest at the rate of 9 percent per annum from 3rd June 1993 (being the date of the summons) and costs to the plaintiff.



DAVID HILL
CHIEF JUSTICE