



In practice courts have exercised the above discretion where the party against whom the application is made ordinary resides outside the jurisdiction and has no substantial property within the jurisdiction. In the instant case Counsel for the respondent supplied to court certified copies of a sizeable number of vehicles and plant registered in the names of the respondent.

In the premis I am persuaded that the respondent has no intention of leaving jurisdiction and has sufficient capacity to meet the obligations that may arise if the application to set aside the award was to fail.

Accordingly this application does not succeed and is dismissed with no order as to costs.

**B. Kainamura**

**Judge**

**20.05.2016**