

SOUTH AFRICA / JUDGMENT

Anglo American Emea Shared Services (Pty) Ltd and Another v Limpop Propellers CC and Others (899/2020) [2025] ZAGPJHC 147 (17 February 2025) [2025] ZAGPJHC 147

COURT

South Gauteng High Court, Johannesburg

BEFORE

GC Wright

CASE / FILE NUMBER

899/2020

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IN THE HIGH COURT OF
SOUTH AFRICA
GAUTENG DIVISION,
JOHANNESBURG
CASE

NO: 899/2020

1.

Reportable: No

2. Of

interest to other judges: No

3.

Revised

17

February 2024

ANGLO AMERICAN EMEA

SHARED

SERVICES

(PTY) LTD

First Applicant

ANGLO

AMERICAN SERVICES (UK) LTD.

Second Applicant

And

**LIMPOPO
PROPELLERS CC
Respondent**

In Re: SERVICES
(PTY) LTD
First Plaintiff
ANGLO
AMERICAN SERVICES (UK) LTD
Second Plaintiff
POXX
ENTERPRISES (PTY) LTD
First Defendant
LIMPOPO
PROPELLERS CONSULTING CC
Second Defendant
JOSHUA
MACHUTE RAPOO
Third Defendant
PATRICK
TEBOGO RAPOO
Fourth Defendant
THAMMY
SEKGOBELA
Fifth Defendant
LE
-THA-NELLY KGWEBO A TIRO (PTY) LTD
Sixth Defendant
BAIPUSHI
CIVIL AND ELECTRICAL (PTY) LTD
Seventh Defendant
FIRST RAND BANK
LIMITED
T/A
FIRST NATIONAL BANK
Eighth Defendant
ABSA
BANK LIMITED
Ninth Defendant

JUDGMENT

WRIGHT J

1. The applicant companies instituted action against a number of defendants.

2. The second defendant, now the present respondent, Limpopo, filed a plea. Later the applicants' attorneys sought discovery by the respondent. Such was not forthcoming and on 20 February 2024 this court ordered discovery by the respondent within five days. The order allowed the applicants to approach the court for a striking out of the respondent's defence. Discovery was not forthcoming.
3. A striking out application was launched on 6 March 2024. The applicants sought the striking out of the defence and judgement for the money amounts claimed in the action.
4. The striking out application and the documents preceding it were all served timeously on the respondent's then attorneys. These attorneys withdrew as attorneys of record on 19 April 2024.
5. On the day of the hearing, 31 July 2024, Mr Makaepea, apparently the moving force behind Limpopo, appeared personally. The judge hearing the matter postponed the application to afford the respondent an opportunity to oppose the application.
6. New attorneys came on board for Limpopo and an answering affidavit was filed. It is conceded in this affidavit that there was proper service of all documents hitherto. It is stated vaguely that Limpopo was let down by its former attorneys.
7. To date, there is still no compliance with the order of 20 February 2024. The only inference to be drawn is that Limpopo is not serious about litigating as it should.
8. At the last minute, Ms Malungani appeared for the respondent.
9. She was briefed only yesterday. The matter is not ready for hearing.
10. Ms Malungani undertook on behalf of her client that it would discover by 4pm on 27 February 2025.

ORDER

1. The matter is removed.
2. The second defendant is to pay the wasted costs on scale C.

GC Wright

Judge of the High Court

Gauteng Division, Johannesburg

HEARD 17 February 2025

DELIVERED: 17 February 2025

APPEARANCES:

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CASE PAGE <https://chat.esheria.ai/case-law/south-africa/anglo-american-emea-shared-services-pty-ltd-and-another-v-limpop-unknown-topic-agpjhc-2025>

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