

SOUTH AFRICA / JUDGMENT

Gxumisa v Moloto (A2023-022151)

[2023] ZAGPJHC 982 (30 August 2023)

[2023] ZAGPJHC 982**COURT**

South Gauteng High Court, Johannesburg

BEFORE

Moorcroft, Du Plessis

CASE / FILE NUMBER

A2023-022151

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Source record**IN THE HIGH COURT OF SOUTH AFRICA,
GAUTENG DIVISION, JOHANNESBURG****CASE NO:**A2023-022151
NOT REPORTABLE
NOT OF INTEREST TO OTHER JUDGES**In the matter between:**GXUMISA, BONDILE
Appellant
and
MOLOTO, PHUTI MERCY
Respondent**JUDGMENT****MOORCROFT AJ [DU PLESSIS AJ CONCURRING]:****Summary****Order****[1]** In this matter I make the following order:

1. The appeal is removed from the roll;
2. The costs are reserved.

[2] The reasons for the order follow below.

Introduction

[3] This appeal served before us on 10 August 2023. The appellant does not make use of legal representation and the appeal is not ripe for hearing: The evidence was not transcribed but the appellant nevertheless enrolled the appeal. The respondent's counsel

advises that the respondent was not aware of the enrolment until the week before the appeal hearing.

[4] Justice will not be done between the parties by striking the matter from the roll and the appeal will therefore be postponed sine die (without a date for the hearing) to enable the appellant to obtain proper advice, to comply with all the requirements, and then to re-enrol the appeal.

[5] The appellant will be required to file the record of the proceedings in the lower court and to otherwise comply with the provisions of Rule 50 of the Uniform Rules of Court as well as Rule 6 of the Gauteng Rules before enrolling the matter. The appellant is advised to seek assistance from the Legal Aid Board or a Law Clinic.

[6] I therefore make the order as set out above.

J MOORCROFT

ACTING JUDGE OF THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION

JOHANNESBURG

I agree and it is so ordered

W J DU PLESSIS

Electronically submitted

Delivered: This judgement was prepared and authored by the Acting Judges whose names are reflected and is handed down electronically by circulation to the Parties / their legal representatives by email and by uploading it to the electronic file of this matter on CaseLines. The date of the judgment is deemed to be 30 AUGUST 2023.

COUNSEL FOR APPELLANT: IN PERSON INSTRUCTED BY: - COUNSEL FOR RESPONDENT: MR UNGERER INSTRUCTED BY: KLOPPER JONKER INC DATE OF THE APPEAL: 10 AUGUST 2023
DATE OF JUDGMENT: 30 AUGUST 2023

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Prepared on 12 October 2026 · Esheria