

SOUTH AFRICA / JUDGMENT

Maponya and Another v South African Legal Council [2023] ZAGPPHC 144; 48141/21 (27 February 2023)

[2023] ZAGPPHC 144

COURT

North Gauteng High Court, Pretoria

BEFORE

D. Makhoba

CASE / FILE NUMBER

48141/21

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IN

THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION,

PRETORIA

CASE NO. 48141/21

REPORTABLE:

NO

OF

INTEREST TO OTHER JUDGES: NO

REVISED:

YES/NO

27/02/2023

In

the matter between:

MAKHUDUGA

HARRIET MAPONYA

First Appellant

MAPONYA

(MAPULANA)NINCORPORATED

Second Appellant

AND

SOUTH

AFRICAN LEGAL COUNCIL

Respondent

JUDGMENT**MAKHOB A J**

1. On the 15 June 2022 Budlender AJ delivered a judgement whereby the first respondent was suspended to practice as a legal practitioner.
2. On the 25th August 2022 the legal practice council lodged an application before me that the order dated 15 June 2022 should not be suspended pending a decision in an application for leave to appeal either to this court or to the supreme court of appeal and that the order should remain in force.
3. Counsel for the applicant addressed the court and submitted that the respondent's clients and former clients, members of the general public and the attorney's profession will suffer irreparable harm should the order dated 15 June 2022 not be made operational.
4. In motivating the application counsel for the applicant pointed out that the irreparable harm lies therein that substantial amounts of money of the complainants having already been deposited in the respondent's account might not be retrieved should the respondent be allowed to proceed with her practice until the appeal had been finalised.
5. Section 18 (3) of the superior courts Act 10 of 2013 provides that the court may grant an order which order is to be executed where the applicant has illustrated that he or she will suffer irreparable harm if the court does not so order and that the other party will not suffer irreparable harm if the court so orders.
6. In opposing the application, the respondent filed an answering affidavit. In the affidavit the respondent submitted that leave to appeal against the judgement of Budlender AJ will succeed. She further submits that the matter is not urgent and no exceptional circumstances exists, as envisaged in section 18 of the superior Act for the immediate enforcement of the matter.
7. After hearing both counsel I gave the order as per case-lines 000-1 the reasons for the order were given in court however the respondent did not transcribe my initial judgement.
8. In a nutshell I found the application to be urgent based on the submission by counsel for the applicant and the judgement by Budlender AJ.
9. I stand by my reasons given in court on the 25th August 2022

D. MAKHOB A**JUDGE OF THE HIGH COURT****GAUTENG DIVISION, PRETORIA****APPEARANCES**

For the Plaintiff:

Adv S.M Leso

Instruction:

Mapulana Maponya Inc

For the Defendant: Adv John Mohoto

Instructed by:

Date heard:

25 August 2022

Date delivered:

25/08/2022

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