

SOUTH AFRICA / JUDGMENT

Masumpa v Mooketsi (225/2001)

[2002] ZANWHC 42 (5 December 2002)

[2002] ZANWHC 42**COURT**

North West High Court, Mafikeng

BEFORE

M.T.R. Mogoeng

CASE / FILE NUMBER

225/2001

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CASE NO. 225/2001

IN THE HIGH COURT OF SOUTH AFRICA

(BOPHUTHATSWANA PROVINCIAL DIVISION)

In the matter between:

MARIA LOMILE MASUMPA APPLICANT

and

MOETI ANDREW MOOKETSI RESPONDENT

REASONS

FOR JUDGMENT

MOGOENG JP.

- [1] These are the reasons for the order that was made in favour of the Appellant on 29 October 2002. That order related to an application for an order restraining the Respondent from preventing the Appellant from operating one of her combis as a taxi on a certain route.
- [2] Both parties are taxi owners. They have several combis operating as taxis from Seweding village, via units 13, 14, 15 and 9 extension of Mmabatho, through the Makgobistad road, joining the Vryburg road to Mafikeng.

[3] The Applicant acquired a combi with registration number DJG 664 NW during early 2001. She secured a valid motor carrier permit which entitled her to operate the above combi on the abovementioned route. She alleged that the Respondent stopped her combi from operating on the authorised route at least twice hence this application. The Respondent has not denied this allegation.

[4] The Applicant has done all that she had to in terms of the law to be able to operate her combi as a taxi. The Respondent stopped her from doing what the law had authorised her to do. He had no right or authority to do so. For this reason alone the application had to succeed since the Applicant has met all the requirements for the granting of an interdict.

M.T.R. MOGOENG JUDGE PRESIDENT OF THE HIGH COURT

[3] The Applicant acquired a combi with registration number DJG 664 NW during early 2001. She secured a valid motor carrier permit which entitled her to operate the above combi on the abovementioned route. She alleged that the Respondent stopped her combi from operating on the authorised route at least twice hence this application. The Respondent has not denied this allegation.

[4] The Applicant has done all that she had to in terms of the law to be able to operate her combi as a taxi. The Respondent stopped her from doing what the law had authorised her to do. He had no right or authority to do so. For this reason alone the application had to succeed since the Applicant has met all the requirements for the granting of an interdict.

M.T.R. MOGOENG

JUDGE PRESIDENT OF THE HIGH COURT

APPEARANCES

DATE OF HEARING : 29 OCTOBER 2002

DATE OF JUDGMENT : 05 DECEMBER 2002

COUNSEL FOR APPLICANT : MR S.E. MONARE

COUNSEL FOR RESPONDENTS : ADV J. STANDER

ATTORNEYS FOR APPLICANT : S.E. MONARE & PARTNERS

ATTORNEYS FOR RESPONDENT : VAN ONSELEN & VAN ROOYEN INC

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