

SOUTH AFRICA / JUDGMENT

Taole v Mothibe (42070/2018) [2024] ZAGPPHC 158 (8 February 2024)

[2024] ZAGPPHC 158

COURT

North Gauteng High Court, Pretoria

BEFORE

MJ Mosopa

CASE / FILE NUMBER

42070/2018

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IN THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA Case number:
42070/2018

- (1) REPORTABLE: YES/NO
- (2) OF INTEREST TO OTHER JUDGES: YES/NO
- (3) REVISED: YES/NO SIGNATURE DATE: 08/02/2024 In the matter between: RETSELISITSOE LEHLOHONOLO TAOLE APPLICANT and TEKE ELIAS MOTHIBE RESPONDENT REASONS FOR THE ORDER DATED 15 OCTOBER 2018 MOSOPA, J [1] The applicant herein made a request for reasons for the order dated 15 October 2018, the order which reads; 1.1. The matter is postponed sine die. 1.2. The Respondent is to file its answering affidavit with 10 (ten) days of this order; 1.3. The respondent is ordered to pay the wasted cost hereof. (For the sake of convenience, the order dated 15 October 2018 is annexed hereto) [2] The applicant in casu, appeared in person in a matter that was enrolled on the 15 October 2018 in an unopposed motion court roll, as a result of failure of the respondent to file an answering affidavit in the application brought by the applicant against the respondent on the enrolled date, the respondent who was legally represented appeared with the resultant order been made. [3] Upon receipt of request of reasons of the order made by the applicant, my secretary Ms Dames who has since left the office, made an endeavor to trace the court file and most importantly the transcripts of that particular day. [4] Ms Dames was successful in obtaining the file but could not succeed in obtaining the transcribed record, as it appeared that on that day, there was no power and no mechanical recordings were made by the relevant officer dealing with the transcriptions. The matter served before me and was heard in court 2C. [5] I could not proceed with the matter and deal with the merit and grant the applicant the relief he was seeking because of the presence of the respondent's legal representatives, hence I penalized the respondent with the cost order for the postponement occasioned on their side. The order that I made did not have the effect of disposing of the

merits of the matter. On the proper inspection of the court file, I found that the matter served before Constantinides AJ on the 29 May 2019 and the application by the applicant was dismissed and a written judgment was provided. [6] Except from what is stated here and what is contained in the order of the 15 October 2018, there is nothing further that I can add.
MJ MOSOPA JUDGE OF THE HIGH COURT, PRETORIA Date of hearing: 15 October 2018

IN THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

Case number: 42070/2018

- (1) REPORTABLE: YES/NO
- (2) OF INTEREST TO OTHER JUDGES: YES/NO
- (3) REVISED: YES/NO

SIGNATURE

DATE: 08/02/2024

In the matter between:

RETSELISITSOE LEHLOHONOLO TAOLE APPLICANT

and

TEKE ELIAS MOTHIBE RESPONDENT

REASONS FOR THE ORDER DATED 15 OCTOBER 2018

MOSOPA, J

[1] The applicant herein made a request for reasons for the order dated 15 October 2018, the order which reads;

1.1. The matter is postponed sine die.

1.2. The Respondent is to file its answering affidavit with 10 (ten) days of this order;

1.3. The respondent is ordered to pay the wasted cost hereof.

(For the sake of convenience, the order dated 15 October 2018 is annexed hereto)

[2] The applicant in casu, appeared in person in a matter that was enrolled on the 15 October 2018 in an unopposed motion court roll, as a result of failure of the respondent to file an answering affidavit in the application brought by the applicant against the respondent on the enrolled date, the respondent who was legally represented appeared with the resultant order been made.

[3] Upon receipt of request of reasons of the order made by the applicant, my secretary Ms Dames who has since left the office, made an endeavor to trace the court file and most importantly the transcripts of that particular day.

- [4] Ms Dames was successful in obtaining the file but could not succeed in obtaining the transcribed record, as it appeared that on that day, there was no power and no mechanical recordings were made by the relevant officer dealing with the transcriptions. The matter served before me and was heard in court 2C.
- [5] I could not proceed with the matter and deal with the merit and grant the applicant the relief he was seeking because of the presence of the respondent's legal representatives, hence I penalized the respondent with the cost order for the postponement occasioned on their side. The order that I made did not have the effect of disposing of the merits of the matter. On the proper inspection of the court file, I found that the matter served before Constantinides AJ on the 29 May 2019 and the application by the applicant was dismissed and a written judgment was provided.
- [6] Except from what is stated here and what is contained in the order of the 15 October 2018, there is nothing further that I can add.

MJ MOSOPA

JUDGE OF THE HIGH COURT, PRETORIA

Date of hearing: 15 October 2018

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CASE PAGE <https://chat.esheria.ai/case-law/south-africa/taole-v-mothibe-unknown-topic-agpphc-2024>

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