

SOUTH AFRICA / JUDGMENT

Thokolo v Huurkor Admin (Pty) Ltd and Others (Matsepe NO and Another Intervening) (19243/2016) [2017] ZAGPPHC 437 (14 July 2017) [2017] ZAGPPHC 437

COURT

North Gauteng High Court, Pretoria

BEFORE

AC Basson

CASE / FILE NUMBER

19243/2016

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REPUBLIC

OF SOUTH AFRICA

IN

THE HIGH COURT OF SOUTH AFRICA

GAUTENG

DIVISION, PRETORIA

CASE

NUMBER:

19243/2016

NOT

REPORTABLE

NOT

OF INTEREST TO OTHER JUDGES

14

July 2017

In

the matter between: MMADITJENG
SALAMINAH
THOKOLO Applicant
(NOW
MAKUA)
(In
the application for leave to appeal)
and
HUURKOR
ADMIN (PTY)
LTD 1st
Respondent
THE
BODY CORPORATE OF MU-FORD MANSIONS 2nd
Respondent
OMNILAND
AUCTIONEERS 3rd
Respondent
TSIU
VINCENT MATSEPE
N.O 1st
Intervening
Respondent
CORNELIA
MARIA CLOETE N.O 2nd
Intervening Respondent
(Respondents
in the application for leave to appeal)

JUDGMENT

(In the application for leave to appeal)

AC BASSON, J

- [1] This is an application for leave to appeal against two orders made by this court as well as the two respective costs orders.
- [2] The applicant's grounds for leave to appeal against the first order is directed against the granting of the urgent application on the basis of the first and second respondents' alleged non-compliance with the rules. There is no merit in these grounds: As pointed out in the judgment, the non-compliance was capable of being condoned especially in light of the fact that it was the conduct of the applicant that gave rise to the urgent application. There are no prospects that a different court would come to a different decision in respect of this order.
- [3] In respect of the second order, the applicant contended that she was not served with the sequestration order personally; her spouse was not cited as a party in the sequestration order and the applicant had sufficient assents to defray the judgment in respect of which the

sequestration application that was launched. Unfortunately the applicant ignores the real issue which is the fact that the applicant had approached this court for an interim interdict that was fatally flawed for the reasons set out in the judgment. No other court would confirm a rule nisi obtained under those circumstances and there are therefore no prospects of success that another court would come to a different

conclusion.

[4] In respect of the cost orders I am likewise of the view that there are no prospects of success that another court would come to a different conclusion: The applicant's legal practitioners have virtually at every possible opportunity failed to comply with the rules and procedures of this court which warrants the cost orders granted against them.

Order

[5] In the event the application for leave to appeal is dismissed with costs.

AC BASSON

JUDGE OF THE HIGH COURT

Appearances:

On behalf of the applicant:

Adv . ME Manala

Instructed by: Mkhonto & Ngwenya Inc

On behalf of the first and second respondent:

Adv. M Coetzee

Instructed by: Kleynhans & Swanepoel

On behalf of the 1st and 2nd Intervening Respondents (the trustees):

Adv. NG Louw

Instructed by: Rorich Colmarans & Luderitz

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