

SOUTH AFRICA / JUDGMENT

Maluti-A-Phofung Local Municipality v Kill Crime Security Service (Pty) Ltd and Others (Amended Order) (2237/2023) [2025] ZAFSHC 27 (6 February 2025)

[2025] ZAFSHC 27

COURT

Free State High Court, Bloemfontein

BEFORE

Mhlambi

CASE / FILE NUMBER

2237/2023

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IN THE HIGH COURT
OF SOUTH AFRICA,
FREE STATE
DIVISION, BLOEMFONTEIN

Reportable:

NO
Of Interest to other
Judges: NO
Circulate to
Magistrates: NO
CASE
NO: 2237/2023
In

the matter between:

MALUTI-A-PHOFUNG
LOCAL MUNICIPALITY
Applicant
And
KILL
CRIME SECURITY SERVICE (PTY) LTD
1st
Respondent
FIRST
NATIONAL BANK OF SOUTH AFRICA LTD
2nd
Respondent
SHERIFF
OF PHUTHADITJHABA HIGH COURT

3rd
Respondent
AMEDED ORDER

JUDGMENT

BY: MHLAMBI, J

DELIVERED ON: 06 FEBRUARY 2025

- [1] On 30 January 2025, I granted an order in paragraph 1 which reads as follows: “The default judgment granted by the Registrar of this Court on 15 March 2024 in the amount of R27 000.00 is rescinded.” The amount of R 27 000.00 is a typing error and the particular paragraph in the order should read as follows:

“The default judgment granted by the Registrar of this Court on 15 March 2024 in the amount of R27 000 000.00 is rescinded.”

- [2] This variation is done in terms of Rule 42(1)(b) of the Uniform Rules of Court.

- [3] The varied order should read as follows:

ORDER:

1. The default judgment granted by the Registrar of this Court on 15 March 2024 in the amount of R27 000 000.00 is rescinded.
2. The service level agreements:
 - 2.1 entered into and concluded between the Applicant and the First Respondent on or about 11 August 2020;
 - 2.2. entered into and concluded between the Applicant and the First Respondent on or about 8 December 2022; and
 - 2.3. the acknowledgment of debt entered into and concluded between the Applicant and the First Respondent on or about 20 February 2023, are declared constitutionally invalid.
3. Leave is granted to the Applicant to file and deliver its notice of intention to oppose the relief applied for by the First Respondent [as Plaintiff] in the matter under case no. 2237/2023, within a period of 5 days.
4. The First respondent is ordered to pay costs of this application (Part A and Part B) on the scale as between party and party (Scale C) including the costs of employing senior counsel.

MHLAMBI, J

On behalf of Applicant: Adv. FW Botes SC Instructed by: Rossouws Attorneys 119 President Reitz Ave Westdene Bloemfontein On behalf of the Respondent: Adv. LR Bomela Instructed by: Tshepo Thusi Attorneys Inc 2nd Floor Finbond Building 6 Elizabeth Street Bloemfontein

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ORIGINAL SOURCE <https://www.saflii.org/za/cases/ZAFSHC/2025/27.html>

CASE PAGE https://chat.esheria.ai/case-law/south-africa/unknown-plaintiff-v-unknown-defendant-rescission_of_judgment-afshc-2025-2237-2023--6a3ea51d3b1caa9129813e47

Prepared on 10 October 2026 · Esheria