

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

CASE NO: 2023/02209

1. Reportable: No
2. Of interest to other judges: No
3. Revised

Wright J
21 May 2023

In the matter between:

STEENKAMP LEON

APPLICANT

And

**GREYLING ANTHON CAREL – THE SHERIFF
OF THE HIGH COURT, GERMISTON SOUTH**

1ST RESPONDENT

CHANGING TIDES PTY LTD N.O

2ND RESPONDENT

Neutral Citation: *Steenkamp Leon v Greyling, Anton Carel – The Sheriff Of The High Court Germiston South & Another* (Case No: 02209/2023) [2023] ZAGPJHC 538 (21 May 2023)

JUDGMENT

WRIGHT J

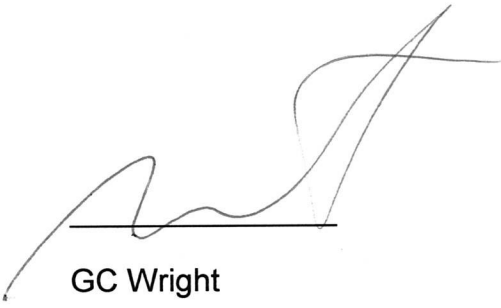
1. This application is heard over Teams at 9pm on Sunday night, 21 May 2023.
2. In 2014, judgment was granted against the applicant. The order included an order for the executability of the applicant's house. The applicant knew of the judgment soon thereafter. He admits that numerous applications for rescission or attempts at appeal or to stay execution have failed.
3. He says that there are irregularities in the sale in execution, due to take place at 10am tomorrow. He says, for example that there has been no notice put on the relevant board at the Magistrate's Court.
4. Yesterday, the applicant attempted to move the application without notice to the judgment creditor. I refused to allow the matter to proceed until the judgment creditor and sheriff had been given an opportunity to oppose. Again today, another attempt was made by the applicant to get an order ex parte.
5. The judgment creditor has filed an answering affidavit in which the allegation is made that the applicant is a former attorney who was struck off the roll. The applicant admits this allegation. The allegation is made by the judgment creditor's attorney that the applicant has deliberately frustrated the judgment over the years.
6. The applicant improperly tried to move the application without notice to the judgment creditor. I take a dim view of this conduct. It might be

understandable where a litigant has no legal knowledge, but from a person who was an attorney it is improper. This is sufficient reason on its own to strike the matter off the urgent roll.

7. Be that as it may, the answering affidavit, deposed to by the judgment creditor's attorney, gives chapter and verse, setting out the long history of attempts by the applicant to obstruct the judgment. The matter has even reached the SCA. The allegations of irregularity by the sheriff or judgment creditor preceding the sale are denied.
8. The house in question is not a primary residence of the applicant, according to the answering affidavit. The applicant does not suggest that he will be homeless if the sale proceeds.
9. The sheriff filed an answering affidavit setting out in detail that the legal requirements preceding the sale have been complied with. It is clear that the applicant knew of the coming sale some time ago and chose to wait for this weekend to launch his application.
10. In my view, the alleged urgency is self-created.

ORDER

1. The application is struck from the roll.
2. The applicant is to pay the costs of both respondents on the attorney and client scale, such costs to include those of counsel where so employed.



GC Wright

Judge of the High Court

Gauteng Division, Johannesburg

HEARD : 21 May 2023

DELIVERED : 21 May 2023

APPEARANCES :

APPLICANT Applicant in person

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