



**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, JOHANNESBURG**

**CASE NO: 2023-047352**

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

Wright J  
29 June 2023

In the matter between:

**IDOLA (PTY) LTD**

**First Applicant**

**TWIN CITY REALTY (PTY) LTD**

**Second Applicant**

**and**

**THE CITY OF JOHANNESBURG METROPOLITAN  
MUNICIPALITY**

**First Respondent**

**THE MUNICIPAL MANAGER OF THE CITY OF  
JOHANNESBURG METROPOLITAN MUNICIPALITY**

**Second Respondent**

**JOHANNESBURG WATER (SOC)**

**Third Respondent**

**CITY POWER (SOC)**

**Fourth Respondent**

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**SECTION 18 (3) APPLICATION - JUDGMENT**

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**WRIGHT J**

1. To cut a long story short, on 25 May 2023 the present applicants sought urgently the reinstatement of municipal services and certain related relief. During argument, counsel for the applicants trimmed substantially the relief sought. I granted a limited interim order in favour of the applicants. The order was essentially that the City continue to provide services to a large number of

families, including children, against payment for the services. These persons reside in residential flats rented to them by the applicants.

2. On 23 June 2023, I granted the City and related respondents leave to appeal my order. Leave was granted to a full court of the Gauteng Division, Johannesburg.
3. This judgment is to be read with my judgments of 25 May 2023 and 23 June 2023.
4. The applicants have brought an application for an order under section 18(3) of the Superior Courts Act 10 of 2013. Affidavits have been swapped and the present application is heard as a matter of urgency.
5. There is a long running dispute between the two sides and much litigation has flowed. The dispute relates mainly to how much money, if any is owed by the applicants to the City for services
6. The present application is brought on an incorrect premise. The order of 25 May 2023 is clearly interlocutory (or interim, the words being synonymous) and accordingly section 18(2) applies. It reads –

*18(2) Subject to subsection (3), unless the court under exceptional circumstances orders otherwise, the operation and execution of a decision that is an interlocutory order not having the effect of a final judgment, which is the subject of an application for leave to appeal or of an appeal, is not suspended pending the decision of the application or appeal.*

7. It thus appeared that the application, brought by the present applicants is unnecessary.
8. On 23 June 2023, I gave an oral, ex tempore judgment in the Teams hearing. That day, my clerk emailed my typed, signed judgment to both sides' attorneys and advocates. Later the same day, my clerk emailed to both sides' attorneys and advocates my querying the necessity for the application given the wording of section 18 and particularly section 18(2). The email from my clerk expressly referred to the fact that my judgment in the leave to appeal expressly described my order of 25 May 2023 as interim.
9. During the hearing of the present application, Adv Nortje for the applicants sought to withdraw the application. Adv Sithole for the respondents did not object but he quite understandably sought costs. I allowed the application to be withdrawn. In my view, the application was unnecessary. It follows that the applicants must pay the respondents' costs.

## ORDER

1. The applicants are jointly and severally liable for the respondents' costs of the application.



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GC Wright

Judge of the High Court

Gauteng Division, Johannesburg

**HEARD** : 29 June 2023

**DELIVERED** : 29 June 2023

**APPEARANCES** :

**APPLICANTS** Adv N Nortje

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