

**IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE LOCAL DIVISION, PORT ELIZABETH)**

CASE NO.: 1570/2020

In the matter between:

SUPER FOUR DEVELOPERS CC

APPLICANT

and

MOEGAMAT AZMIE MALICK

FIRST RESPONDENT

ANDRÉ JAMES LE ROUX

SECOND RESPONDENT

NOLEEN MEYER

THIRD RESPONDENT

NATASHA ALARICE AUGUSTUS

FOURTH RESPONDENT

GIFT

FIFTH RESPONDENT

AMANDA

SIXTH RESPONDENT

JOHN

SEVENTH RESPONDENT

ISAAC (RASTA)

EIGHTH RESPONDENT

OCCUPERS OF ERF 1588 AND ERF

1620 MOUNT ROAD (11 FETTES ROAD,

NORTH END, PORT ELIZABETH)

NINTH RESPONDENT

NELSON MANDELA BAY MUNICIPALITY

TENTH RESPONDENT

IT IS ORDERED THAT:

1. An eviction order is granted against the First to Ninth Respondents ('the Respondents'), being unlawful occupiers of Tulbagh Flats, 11 Fettes Road, North End, Gqeberha ('the property').
2. The eviction order may be enforced if the Respondents do not vacate the property within 60 (sixty) days from the date of service of this order at the property.
3. The Sheriff of this Honourable Court is authorised to enlist the assistance of any person, including the members of the South African Police Services, to assist him / her in the eviction of the Respondents in the event that the Respondents fail to vacate the property within 60 (sixty) days from the date of service of this order at the property.
4. The Respondents are directed to pay the costs of the application jointly and severally, the one paying the others to be absolved.
5. Adv D Skoti and Mr Z Madikane are directed to file affidavits within 14 (fourteen) days to explain their non-compliance with the orders of Revelas J (22 April 2021) and Gqamana J (17 June 2021), and why the wasted costs occasioned by the postponement of the matter on 22 April 2021 should not be paid by them, jointly and severally, *de bonis propriis*.
6. Mr Z Madikane is to ensure that this Order is brought to the attention of Adv D Skoti, and to confirm this by way of affidavit.
7. The wasted costs occasioned by the postponement of the matter on 22 April 2021 remain reserved.

A GOVINDJEE

ACTING JUDGE OF THE HIGH COURT

APPEARANCES

For Applicant : Adv K D Williams

Instructed by : Joubert Galpin & Searle

For Respondents : Mr Z. Madikane

Instructed by : Lawyers for Black People (NCP) SA

Heard on: 29 July 2021

Delivered on: 24 August 2021