



**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)**

CASE NO: 125850/2023

(1) REPORTABLE: NO (2) OF INTEREST TO OTHER JUDGES: NO (3) REVISED: YES 30 January 2024 Date	 Signature
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In the matter between:

NATIVE CHILD AFRICA (PTY) LTD

APPLICANT

and

MARY OLUWATOBILOBA AKINWALE

FIRST RESPONDENT

LUTENDO SIPHUMA

SECOND RESPONDENT

VARIATION OF JUDGMENT

K STRYDOM AJ

INTRODUCTION

1. Subsequent to the handing down of the judgment on the 25th of January 2024 in this matter, it was brought to my attention that the judgment and order do not correctly reflect the orders that were made, *ex tempore*, in Court, on the 19th of December 2023 in respect of the second respondent.

2. As indicated in the judgment, I had struck the application against the 2nd respondent from the role as being not urgent, however the judgment erroneously reflects that costs were reserved. On the 19th of December 2023 I had in fact ordered that the second respondent's costs be paid by the applicant which costs would include the costs of one council. This order followed argument regarding whether costs of two council should be allowed.
3. The present judgment also does not reflect the details of the counsel for the 2nd respondent on the last page. I am indebted to Mr Ntjana for bringing these errors to my attention and will ensure that his details are now correctly reflected.
4. As a result, I hereby vary the judgment and order granted in this matter on the 25th of January 2024 as follows:
 - 4.1. The reference, in [3] of the order delivered in terms of paragraph 109 of the judgment, is amended to "respondent" is amended to read "*first respondent*."
 - 4.2. The order per [8] of the order delivered in terms of paragraph 109 of the judgment, is amended in its entirety to read:
 - 4.2.1. [8] *"The costs of the application as between the applicant and the first respondent are reserved."*
 - 4.3. The following paragraphs are to be inserted immediately after [8], as amended *supra*, of the order under paragraph 109 of the judgment:
 - 4.3.1. [9] *The application against the second respondent is struck from the roll due to lack of urgency*
 - 4.3.2. [10] *The applicant is ordered to pay the reasonable party and party costs of the second respondent, inclusive of the costs pursuant to the employment of one counsel.*
 - 4.4. The final page of the judgment is to include the details of the representatives of the second respondent, as reflected in the final page of this variation order.


K. STRYDOM
ACTING JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA

Date of hearing: 20 December 2023

Date of judgment: 25 January 2024

Date of variation: 30 January 2024

APPEARANCES:

COUNSEL FOR APPLICANT: D. MUTEMWA

INSTRUCTED BY: THOBAKGALE ATTORNEYS INC.

COUNSEL FOR 1ST RESPONDENTS: B. LUTHULI

INSTRUCTED BY: COWAN-HARPER MADIKIZELA
ATTORNEYS INC

COUNSEL FOR 2ND RESPONDENTS: K. M. NTJANA

INSTRUCTED BY: S. L. ATTORNEYS