



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

Case No: 25524/2019

- | | |
|-----|---|
| (1) | REPORTABLE: YES /NO |
| (2) | OF INTEREST TO OTHER JUDGES: YES /NO |
| (3) | REVISED |

12 October 2023
DATE


SIGNATURE

In the interlocutory application of:

MATLALA, MARY-ANNE PHUTI

Plaintiff

and

MMELA INVESTMENTS HOLDINGS (PTY) LTD

First Defendant

**CLAIMS ADMINISTRATION AND RECOVERY
SERVICES (PTY) LTD**

Second Defendant

RAMATSETSE, WILSON MOHOBI

Third Defendant

Delivered: This judgment was prepared and authored by the Judge whose name is reflected and is handed down electronically by circulation to the Parties/their legal representatives by email and by uploading it to the electronic file of this matter on CaseLines. The date for hand-down is deemed to be 12 October 2023.

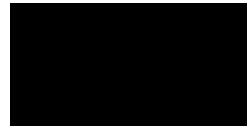
JUDGMENT – RULE 35(13) CHAMBER APPLICATION

MALINDI J

- [1] On 17 February 2023 the plaintiff made a request for targeted discovery in terms of paragraphs 25 and 26 of the Commercial Court Practice Directive. She requests the discovery of the first and second defendants' bank statements held with any and all banking institutions from 2008 to date.
- [2] The plaintiff requests further that the defendants disclose whether any shares have been declared by the first and second defendants.
- [3] The defendants oppose the request on the grounds that discovery has been made and that in any event the documents are irrelevant.
- [4] I have considered the pleadings in this matter and am of the view that the purpose for which targeted discovery is sought is justified. In order to prove her damages as pleaded, the plaintiff requires proof that the Department of Justice made certain payments to the defendants and that dividends, which she claims she was entitled to, were paid to the first and second defendants. However, in order to protect the rights of the defendants to privacy, I order that discovery as requested be made but that the statements be redacted for that purpose. The effect would be the redaction of all other information in the bank statements except payments made by the Department of Justice to the first and second defendants from 2008 to date.
- [5] Accordingly, the following order is made:
1. The first and second defendants are ordered to disclose their bank

statements held in any and all banking institutions from 2008 to date. Such bank statements are to be redacted so as to exclude all information not being payments by the Department of Justice to them.

2. The first and second defendants are to disclose in any form all dividends declared by the them during the period from 2008 to date.
3. The defendants are to declare on affidavit that none of the redacted information is relevant for the purposes of paragraphs 1 and 2 above.



**G MALINDI
JUDGE OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
JOHANNESBURG**

**PARTIES LEGAL REPRESENTATIVES (APPLICATION DECIDED IN CHAMBERS,
ON ITS PAPERS)**

FOR THE PLAINTIFFS:
FOR THE DEFENDANTS:
DATE OF JUDGMENT:

Prince Mudau and Associates
Van Der Merwe Doring Maponya Inc (VDMA)
12 October 2023