

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, JOHANNESBURG

CASE NO: 7016/2019

DATE: 17-01-2024

DELETE WHICHEVER IS NOT APPLICABLE

(1) REPORTABLE: NO.

(2) OF INTEREST TO OTHER JUDGES: NO.

(3) REVISED. ✓

DATE 14/01/2024

SIGNATURE [REDACTED]

10 In the matter between

PACKET SEAKETSO AND OTHERS

First Applicant

SOUTH AFRICAN NATIONAL CIVICS

ORGANISATION JOHANNESBURG CITY

HALL NEC ("2023 SANCO JHB")

Second Applicant

and

2023 SANCO DURBAN

First Respondent

RICHARD (HLOPE) MKHUNGO

Second Respondent

CHRIS MALEMETJA

Third Respondent

20 LUCKY BALOI

Fourth Respondent

SKHUMBUZO MPANZA

Fifth Respondent

MIKE SOKO

Sixth Respondent

BONGIKHAYA QAMA

Seventh Respondent

SYLVIA MDAKA

Eighth Respondent

JUDITH TSHABALA

Ninth Respondent

ISAAC PLAATJIE

Tenth Respondent

THE 2023 NIC

Eleventh Respondent

ALL OTHER PERSONS WHOSE DETAILS

ARE UNKNOWN, PURPORTEDLY ELECTED

UNDER THE AMBIT AND AUSPICES OF

THE CONFERENCE OF 24TH AND 25TH

NOVEMBER 2023

Twelfth Respondent

ALL OTHER PERSONS PURPORTEDLY

10 ACTING IN TERMS OF THE AMBIT AND

AUSPICES OF SANCO ALEXANDER

AND DURBAN

Thirteenth Respondent

J U D G M E N T

WEPENER, J:

The application before me is one for reconsideration of an order issued by this Court in November 2023. However,
20 more important is that the matter is brought in the urgent court.

The main argument was that because of the provisions of rule 6(12)(c) of the Rules of Court, it may be set down in the urgent court. That rule provides, 6(12)(c):

“A person against whom an order was granted in such person's absence in the

urgent application, may, by notice set down
the matter for reconsideration of the order.”

It is argued that because of that provision, a matter that was granted in the urgent court, may be brought back for reconsideration in the urgent court. I do not agree. A party who makes use of the provisions of the Rules of Court, to bring a matter to the urgent court must, in its own right, make a case while the reconsideration should be heard urgently.

I agree with the judgment of Wilson J, recently
10 published in *Volvo Financial Services Southern Africa (Pty) Limited with Adamas Tkolose Trading CC* 2023 ZAGP JHC 486 in which he said that:

“Urgency is determined not by the nature of
the claim brought, but by the circumstances
in which the application seeks its
adjudication.”

The remaining arguments were of a general nature regarding the rights of the applicants *vis a vis* the respondents and which would be applicable in a matter
20 whether it is heard urgently or otherwise.

I find that the matter lacks sufficient urgency to be heard out of the normal course in which applications are heard in this Division.

There is no reason why the applicants cannot get redress in due course and have the issues determined. In

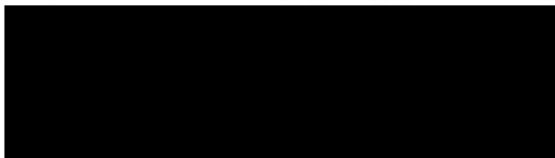
any event, the matter contains lengthy contentions and disputes of facts that cannot be properly determined on papers before me, especially in an urgent application,

The urgent application address presented by the applicants in this matter, which took the most part of an hour, underlines the very fact that it is not a matter that can be decided without careful consideration of the many issues that are raised on the papers.

I find that the matter should not have been brought
10 in the urgent court today, whether by the first or the second applicant which makes no difference.

In the circumstances I strike the matter off the roll and I order that the first and second applicants are to pay the respondents costs jointly and severally.

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WEPENER, J

JUDGE OF THE HIGH COURT

20 DATE: