

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 013170/2022

DATE: 05-10-2023

DELETE WHICHEVER IS NOT APPLICABLE (1) REPORTABLE: YES / NO. (2) OF INTEREST TO OTHER JUDGES: YES / NO. (3) REVISED. <u>DATE</u> 19 October 2023 <u>SIGNATURE</u> 

In the matter between

CHATAPROP HOLDINGS LTD

Plaintiff

and

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY Defendant

J U D G M E N T

LA GRANGE, AJ: This is an application for review. Shortly after the commencement of oral argument, the realisation dawned on the applicant's representative that alternative relief to that which had been framed in the notice of motion and the amended notice of motion would be required.

After a request to stand down, the parties' representatives informed me that they were in agreement

that the application should be postponed *sine die*. The purpose thereof, I was informed, was to allow the applicant an opportunity to amend its papers, including the relief sought in its notice of motion.

The parties' representatives informed me, however, that the issue of costs could not be agreed between the parties. Accordingly, I had heard the representatives of both parties on this score. Whilst agreed, the postponement is in essence brought about by the applicant seeking to amend its papers. As such the applicant seeks an indulgence and the ordinary approach in relation to costs is that it ought to make good the respondent's wasted costs occasioned by the postponement.

I have not heard any submissions from the applicant's representative which persuade me to deviate from the ordinary approach in relation to the costs occasioned by a postponement and accordingly, I award the respondents the wasted costs occasioned by the postponement.

My order, therefore, is that the matter is postponed. *sine die*. The applicant to pay the respondents wasted costs.

013170/2022-me
05-10-2023

3

JUDGMENT



LA GRANGE, AJ

JUDGE OF THE HIGH COURT

DATE: [19 October 2023](#)