

REPUBLIC OF SOUTH AFRICA



**IN THE HIGH COURT OF SOUTH AFRICA
LIMPOPO DIVISION, POLOKWANE**

CASE NO: 6370/2018

(1)	<u>REPORTABLE: YES/NO</u>
(2)	<u>OF INTEREST TO THE JUDGES: YES/NO</u>
(3)	<u>REVISED.</u>
DATE..... SIGNATURE:.....	

In the matter between:

THE LAW SOCIETY OF THE NORTHERN PROVINCES

APPLICANT

And

SIMON NKUBA MOKONE

RESPONDENT

JUDGEMENT

KGANYAGO J

- [1] On 23rd October 2018 the applicant issued an urgent application against the respondent which was in Part A and Part B, which application was set down for 27th November 2018. On receipt of the application by the respondent, by agreement the matter was removed from the roll and re-instated for the 4th December 2018. In part A, the applicant is seeking the striking off of the respondent from the roll of attorneys, alternatively that the respondent be suspended from practice as an attorney pending the finalisation of the application for the removal of his name from the roll of attorneys together with other ancillary relief. In Part B the applicant is seeking that the respondent's name be struck off the roll of attorneys, notaries and conveyancers, and confirmation of other ancillary relief granted in Part A.
- [2] The grounds of the applicant's application was that the respondent had failed/refused to cooperate with the Law Society in a proposed inspection of his accounting records; had made himself guilty of unprofessional conduct in terms of section 70(2) of the Attorneys' Act by failing to cooperate with the Law Society in the proposed inspection of his accounting records; in his dealings with the Law Society the respondent was obstructive and employed delaying tactics; the respondent had failed to repay to the Road Accident Fund monies which were paid to him in error; the respondent appears to have misappropriated the Road Accident Fund's monies; the respondent delayed the payment of trust funds; the respondent collected excessive amounts from judgment debtors in respect of monies collected; the respondent collected excessive amounts from judgment debtors and retained the monies; the respondent possibly misappropriated the judgment debtors' monies; the respondent contravened several provisions of the Attorneys' Act and the Rules for the attorneys' profession; the respondent persistently failed to reply

to correspondence addressed to him by the Law Society; the respondent failed to furnish the Law Society with his comments on complaints submitted to the Law Society, despite having been notified to do so; the respondent failed to appear before a disciplinary committee of the Council despite having been notified to do so; the respondent's trust position is unknown; the Law Society has received several serious complaints against the respondent; and that the respondent had placed his trust creditors and Attorneys Fidelity Fund at risk.

- [3] The applicant avers that as a result of non-cooperation by the respondent, the Council of the Law Society resolved to call the respondent to appear before it on 17th September 2018 to show cause why an application for the striking of his name from the roll of attorneys should not be brought. The respondent was duly notified of the date of the Council meeting, but he failed to attend. The Council considered the complaints against the respondent cumulatively, and found that he had made himself guilty of unprofessional or dishonourable or unworthy conduct, and that he is no longer fit and proper person to continue to practise as an attorney or officer of the court. The Council resolved that the respondent's name should not be allowed to remain on the roll of attorneys.

- [4] The respondent filed his answering affidavit in relation to Part A of the application, even though to some extent it covered Part B. The respondent has stated in his answering affidavit that he will file a comprehensive answering affidavit of Part B of the applicant's founding affidavit on or before the 20th December 2018. However, that was never filed. The respondent in his answering affidavit on Part A has raised points *in limine* challenging the legal

authority of the applicant to institute the application against him. The basis of the challenge was that the resolution taken by the Council on 17th September 2018 was defective.

[5] On the merits, the respondent has conceded that he had refused to cooperate with the legal official who wanted to conduct an inspection in terms of section 70 of the Attorneys Act since the legal official had refused to furnish him with the further particulars that he had requested. With regard to the Road Accident Fund complainant the respondent avers that he was surprised when that complaint was resurrected as he assumed that it was finalised during May 2016 when the complainant in that matter undertook to withdraw it. The respondent stated that as at 30th November 2016 and February 2017 he had surplus trust funds of R0-55 and R1-84 respectively. Regarding failing to attend disciplinary hearing, the respondent stated that the whole prospective disciplinary hearing was *null and void* and he therefore forfeited his appearance at the hearing. Further that in terms of Rule 50, the committee of the applicant was entitled to proceed with the enquiry on the scheduled date and deliver a verdict if they were of the opinion that there was a prima facie case.

[6] The respondent conceded that on 3rd August 2018 he received a notice calling him to appear before the Council meeting of 17th September 2017 in order to show cause why an application should not be made for the removal of his name from the roll of attorneys. The respondent alleges that on receipt of that notice, he requested further particulars, and the applicant never responded to his request. Since the applicant did not respond to his request, the respondent did not attend the Council meeting of the 17th September 2018.

[7] The respondent also filed a discovery notice requesting the applicant to produce certain documents. The applicant responded to the respondent's notice by letter dated 29th November 2018 stating that the respondent's notice was a nullity and that they will be proceeding with Part B of the notice of motion on 4th December 2018. On 4th December 2018, the respondent was suspended from practising as an attorney pending the finalisation of the application for the removal of his name from the roll of attorneys. On 11th January 2019 the applicant filed a Rule 30A notice stating that the respondent's notice dated 28th November 2018 constitute a nullity and does not require either a reply or further steps to be taken, and further that it did not constitute notice in terms of Rule 35(12).

[8] On 26th February 2019 the applicant filed its replying affidavit to the respondent's answering affidavit. On 27th February 2019 the respondent filed a Rule 30 notice stating that the applicant's replying affidavit was irregular in that it dealt with Part A of the respondent's answering affidavit which the court had already granted an order on 4th December 2018, and that the respondent had not yet filed an answering affidavit in respect of Part B of the notice of motion. The applicant filed a reply to the respondent's Rule 30 notice on 14th March 2019 stating that the respondent's notice did not comply with Rule 30 and was therefore a nullity. Further that the replying affidavit was filed for the benefit of the court and to assist the court.

[9] On 22nd March 2019 the respondent brought a review application under the same case number as that of the applicant, seeking orders that the following decisions and/or resolutions of the of respondent (applicant in main application whom I will refer as applicant) are reviewed and set aside, and

declared invalid: (i) the decision and/or resolution of the applicant dated 19th September 2018 and adopted on 17th September 2018, resolving to apply to court for the urgent removal of the applicant's name from the roll of attorneys, alternatively for the urgent suspension of the applicant from practice pending the finalisation of the application for the removal of the applicant's name from the roll of attorneys; (ii) the decision and/or resolution of the applicant dated and adopted on 27th July 2018, resolving that respondent be requested to appear before the Council of the applicant to show cause why application should not be made for the removal of applicant's name from the roll of attorneys; and (iii) the decision and/or resolution dated 15 November 2017 and adopted on 29th September 2017, resolving that an investigation of the financial records of the respondent be conducted in terms of section 70 of the Attorneys Act 53 of 1979 and that all records, documents and files be made available by the respondent for purposes of such investigation.

- [10] The respondent is further seeking declaratory orders that (i) the respondent's conduct, as alleged by the applicant in respect of the complaints received and referred to the complaints, does not constitute unprofessional or dishonourable or unworthy conduct within the contemplation of the law; (ii) that the applicant's application under this case number for the removal from the roll of attorneys alternatively suspension from practice of the respondent be declared *null and void ab origine* and be reviewed and set aside including all attendant processes or orders subsequent thereto and consequent thereupon; and further that the respondent be ordered to submit for taxation in terms of Rule 49.7 of the Rules for Attorneys' profession, debt-collection accounts to the relevant clerk(s) and/or register(s) of court in respects of the complainants who have lodged their complaints against the respondent with

the applicant. The applicant had filed its answering affidavit, whilst the respondent failed to file his replying affidavit.

[11] On 24th April 2019 the respondent filed a Rule 30A notice in respect of the review application notifying the applicant that records which the applicant has dispatched did not constitute compliance with the Uniform Rule 53(1)(b) of the Uniform Rule, PAJA, PAIA, Constitution and respondent's notice of motion in that it was unaccompanied by the undermentioned elucidation and bifurcation, which arose out of the delivered record as well. The respondent listed the documents which according to him were still outstanding. On the same date the respondent also filed a Rule 7 notice requesting the applicant to furnish him with a copy of the minutes and resolution adopted on 17th September 2018 by the Council of the applicant in terms whereof Rooth and Wessels Inc has been appointed as attorneys for the applicant to institute the application for removal of the respondent's name from the roll of attorneys.

[12] On 3rd April 2019, the respondent brought an application in terms of Rule 30A(2) and Rule 30(2)(c) seeking an order that in terms of Rule 30A the applicant be ordered to comply with the respondent's notice dated 28th November 2018. The applicant in its answering affidavit has stated that the respondent has failed to make out a case for any relief set out in the notice of motion. The applicant has further stated that the respondent's founding affidavit contains no evidence to sustain the relief sought in the notice of motion.

[13] On 29th April 2019 the applicant responded to both the respondent's Rule 7 and Rule 30A(1) notices. Regarding the Rule 7 notice, the applicant notified the respondent that the resolution of the Council dated 19th September 2019

has been attached to the founding affidavit in the main application. Regarding the Rule 30A(1) the applicant has stated that the record was complete and represented the entire record as served and filed, and therefore Rule 53 has been complied with.

[14] On 13th May 2019, the respondent filed a notice in terms of Rule 35(12) read with Rule 35(13), Rule 35(14), Rule 30A(2) and Rule 30(2)(C) in relation to the review application. The respondent was requesting the applicant to produce for inspection the originals of (i) copies of the Council's resolution authorising the deponent to oppose the application and to depose to the affidavit on behalf of the Council, such resolution to include and/or be accompanied by a duly signed and authorised minutes of the meeting and not extract, list of members of the Council who participated in the decision-making, and full minutes and resolution thereof; (ii) copy(ies) of the court order or judgment granted by court on 4th December 2018 in respect of the applicant's discovery notice; and (iii) copy(ies) of duly served and filed of the applicant's notice of intention to oppose review application or motion by the respondent.

[15] In reply to the respondent's notice the applicant has stated that the respondent's notice in terms of Rule 35(13) and (14) constitute a nullity, was invalid and legally void as the respondent had failed to first sought directions from the court. In relation to Rule 35(12) the applicant has stated that the respondent was seeking non-existent documents, and further that the respondent's request did not fell within the ambit of Rule 35(12), and also that the respondent did not require those documents referred to for purposes of

preparing his replying affidavit, and further that the applicant had already provided the respondent with the relevant resolution.

[16] On 16th May 2019 the respondent filed a notice in terms of Rule 35(12) read with Rule 35(13) and (14) in respect of the applicant's notice in terms of Rule 7. In that notice the respondent requested the applicant to produce for his inspection and to make copies of the following documents: (i) the date of the meeting of Council in respect of the resolution dated 29th April 2019; (ii) list of all Council members present at the meeting of the Council in respect of resolution dated 29th April 2019; (iii) copy(ies) of the duly signed full minutes of the meeting of the Council in respect of resolution dated 29th April 2019; and (iv) copy of the record of the meeting of Council in respect of the resolution dated 29th April 2019 within the contemplation of section 16(3) of the Legal Practice Act 28 of 2014.

[17] The applicant in reply to the respondent's notice has stated that the respondent's notice in terms of Rule 35(13) and (14) constitute a nullity in that the respondent has failed to first sought the directions of the court. In respect of the respondent's Rule 35(12), the applicant has stated that the said Rule applies to pleadings and affidavits only and not to notices, and therefore the respondent's notice constitutes a nullity, was invalid and legally void.

[18] On the 16th May 2019 the respondent also filed a notice of bar in respect of the review application. In the notice the respondent is requesting the applicant to deliver within 5 days annexures and documentation accompanying Mr van Staden's memorandum dated 6th September 2017 to the Council of the applicant as delivered in volume 7 of the record of the proceedings served on 29th April 2019. The applicant in reply to the respondent's notice has stated

that Rule 26 applies to actions only, and not to motion proceedings, and therefore constitute a nullity, was invalid and void.

[19] On 20th May 2019 the respondent filed a Rule 30(2)(b) against the applicant in respect of the review application stating that the applicant's answering affidavit and notice of intention to oppose constitute irregular step(s) and/or processes. The applicant was given 10 days within which to remove the cause of complaint. In reply to the notice the applicant has stated that Rule 30(2) is not available to the respondent since he had already taken a step by filing a notice of bar, and further that the answering affidavit was filed within the stipulated 10 days period, and therefore the applicant's notice constitutes a nullity, was invalid and legally void.

[20] On 20th August 2020 the applicant filed a supplementary affidavit to its main striking off application. On 8th December 2020 the applicant filed a further supplementary affidavit to its main striking off application. The main application, review application and application to compel were all set down to be heard on 23rd July 2021. On 13th July 2021 the respondent filed a Rule 30(2)(b) stating that the set down for the 23rd July 2021 constitute an irregular step as it was premature since the review application has not yet been adjudicated upon, and further that the respondent has not yet launched its Rule 30A(2) application since the applicant has failed to comply with the respondent's Rule 30A(1) notice. The applicant removed the matter from the roll and reinstated it for 6th August 2021.

[21] On 6th August 2021 all the applications were postponed sine die. The applications were set down for the 17th September 2021. In morning of the 17th September 2021 the respondent brought a substantive application for

postponement stating that the matters were set down on a date which he had informed the applicant's attorneys that he was not available ignoring a date which he had stated that he was available. On 17th September 2021 all the applications were postponed sine to enable the parties to agree on a common date on which the matters will be able to proceed.

[22] On 16th September 2021 the respondent brought an application in terms of Rule 30A(2) seeking an order that the applicant comply with the respondent's notice in terms of Rule 30A(1) dated 24th April 2019. On 11th April 2022 the applicant filed its answering affidavit dated 7th April 2022 to the respondent's application. The applicant in its answering affidavit has stated that the respondent has failed to make out a case for the relief set out in his notice of motion, in that the complete record of the proceedings of the decisions under review has been filed, and that there were no further documents to file.

[23] The parties could not agree on a common date, and on 5th May 2022 the court decided to put this matter under case flow management. A case flow management meeting was set down for the 19th May 2022 at 14h00 in the Judge's chamber. All the parties were duly notified of the date and time. The respondent despite been aware of the date and time, failed to attend the meeting. After the meeting the Judge issued the directives of what each party should do, and also the time frames. The applicant complied with the time frames whilst the respondent failed to comply with the directives. The parties were notified to set down all the applications to be heard simultaneously on 28th October 2022.

[24] On 1st June 2022 the respondent filed a Rule 30(2)(c) application seeking that the applicant's answering affidavit in terms of Rule 30A(2) served on the

respondent electronically on 8th April 2022 be declared irregular step and set aside, in that the attestation of the affidavit by the commissioner of oaths was defective, the deponent lacked authority and also lack of representation of the LPC by Mr Bloem, Mr Groome and Mr van der Walt.

[25] In relation to the alleged defective attestation of the answering affidavit, the applicant has stated that there was substantial compliance with the Regulations, and that the issues raised by the respondent placed form over substance. In relation to the issue of lack of authority, the applicant has stated that the respondent is raising a special plea of *non-locus standi in judicio*, and that Rule 30 procedure was inappropriate for raising such an issue. Regarding lack of legal representation of Council, the applicant has stated that the legal representatives of the Council have been issued with fidelity fund certificates for the period 1st January 2022 to 31st December 2022. Further that Andre Bloem had resigned as a director of Rooth & Wessels Attorneys, and has since been employed as a consultant, and did not require to be in possession of a fidelity fund certificate.

[26] The respondent failed to attend court on 28th October 2022 despite been duly notified of the date, and the matter proceeded in the absentia of the respondent. The applicant is seeking an order that the applicant be struck off the roll of legal practitioners. It is trite that the court exercises its discretion when it determines whether a legal practitioner is a fit and proper person to remain on the roll of legal practitioners. If it is established that indeed, the legal practitioner is not a fit and proper person to practice as such, what the court must decide is whether the legal practitioner be struck off the roll or suspended from practice. The applicant was a regulatory body of the

attorneys' profession and had a duty to protect the public and the integrity of the profession.

[27] This matter emanates before the coming into operation of the Legal Practice Act. The applicant's application has been brought in terms of section 22 of the *Attorneys' Act*¹. In terms of section 116(2) of the Legal Practice Act, these proceedings are to be continued and concluded as if the Attorneys' Act had not been repealed, and any reference to the Law Society must be construed to refer to the Legal Practice Council.

[28] It is settled law that applications of this nature involves a three stage enquiry. The first enquiry is aimed at determining whether the law society has established the offending conduct upon which it relies on a balance of probabilities. The second enquiry is whether in the light of the misconduct established, the attorney concerned is not a fit and proper person to continue to practice as an attorney, and this requires a value judgment. The third enquiry requires the court to exercise a discretion, and determine whether the person who has been found not to be a fit proper person to practice as an attorney deserves the ultimate penalty of being struck from the roll or whether an order of suspension from practice will suffice. (See *Jasat v Natal Law Society*² and *Summerley v Law Society of Northern Provinces*³).

[29] The applicant's application led to the respondent instituting four counter applications which are interlocutory in nature since they are all using the same case number of the applicant's main application. I will start with the respondent's review application. The respondent's review application has

¹ 53 of 1979

² 2000 (3) SA 44 (SCA) at para 10

³ 2006 (5) SA 613 (SCA) at para 2

been brought in terms of *Promotion of Administrative Justice Act*⁴ (PAJA). It is trite that PAJA is used to review administrative actions.

[30] In *Tshwane v Nambiti Technologies*⁵ Wallis JA said:

“[22] PAJA gives effect to the right to just administrative action in s 33 of the Constitution. It provides for judicial review of administrative action. What constitute administrative action is the subject of a lengthy and somewhat convoluted definition, which was consolidated and abbreviated by Nugent JA in *Grey’s Marine*, in the following terms:

‘Administrative actions means any decision of an administrative nature made...under an empowering provision [and] taken...by an organ of State, when exercising a power in terms of the Constitution or a provincial constitution, or exercising a public power or performing a public function in terms of any legislation, or [taken by] a natural or juristic person, other than an organ of State, when exercising a public power or performing a public function in terms of an empowering provision, which adversely affects the rights of any person and which has a direct external legal effect...’

[23] The Constitutional Court, citing *Grey’s Marine* with approval has broken the definition into seven components, namely that –

‘there must be (a) a decision of an administrative nature; (b) by an organ of state or a natural or juristic person; (c) exercising a public power or performing public function; (d) in terms of any legislation or an empowering provision; (e) that adversely affects rights; (f) that has a direct, external legal effect; and (g) that does not fall under the any of the listed exclusions’.”

[31] It is trite that the applicant’s main application constitutes a disciplinary enquiry by the court into the conduct of the practitioner concerned, and the Council fulfils the role of an *amicus curiae*. As the regulatory body, the Council brings the offending behaviour to the court’s notice, but the resultant hearing is an inquiry conducted by the court into the behaviour of its officer’s fitness to

⁴ 3 of 2000

⁵ 2016 (3) SA 494 (SCA) at paras 22 and 23

remain on the roll of practitioners. (See *Law Society of the Northern Provinces v Le Roux*⁶). The court in determining the fitness of a practitioner to remain on the roll practitioners does not depend on the cooperation of the Council. Once the offending behaviour has been brought to the attention of the court, the question whether a practitioner is still fit and proper to practise lies within the discretion of the court. It is for the practitioner to appear before court and present facts which will enable the court to exercise its discretion accordingly.

[32] In *Du Plessis v Prokureursorde, Transvaal*⁷ the applicant who was a practising attorney brought a review application seeking to review and set aside the decision of the Law Society arguing that if his application was successful, the application for his removal will be declared *null and void*. The court in dismissing his application held that an application to strike the name of an attorney from the roll could be brought by the Law Society even if the Law Society's own disciplinary hearing had not yet been completed. That the Law Society could even bring an application for removal without any preceding investigation having been conducted. The court further held that practitioner's review application was irrelevant as it could not affect the application for removal.

[33] The respondent's review application is not distinguishable from the *Du Plessis* matter. The respondent is an officer of this court and it is for this court to determine whether he is still fit and proper to practise. What the applicant did was to bring the alleged offending behaviour of the respondent before court, and their role end up there. Whether the respondent had issues with the resolution taken by the applicant in bringing this application before court is

⁶ 2012 (4) SA 500 (GNP) at 502D-F

⁷ 2002 (4) SA 344 (T)

irrelevant for this court in determining whether he is still fit and proper to practise. Under those circumstances the respondent's review application stands to be dismissed.

[34] On 28th July 2018, the respondent had served the applicant with a notice titled "*Discovery – Notice to produce documents in pleadings*". It does not appear from the notice in terms of which specific rule are the documents been requested. When the applicant failed to comply with that notice, that led to the respondent instituting an application in terms of Rule 30A(2) and Rule 30(2)(c) on 3rd April 2019. The respondent was notified by the applicant on 29th November 2018 that his notice was a nullity but he did nothing to rectify that. On 4th December 2018 the respondent participated in the proceedings wherein he was suspended without been furnished with the documents that he initially requested. His notice was defective, the particulars that he is seeking in that notice like the resolutions of the council, the agenda of the council, list of all council members who attended the meeting, full minutes of the council meeting and discussions at those meetings are all irrelevant to the main application which is to determine his fitness to continue practising. That application has no bearing in determining the respondent's fitness to continue practising and stand to be dismissed.

[35] The respondent's application issued on 16th September 2021 which is a Rule 30A application, is an interlocutory application of the review application which I have already found that it has no merit and stands to be dismissed. Since the review application has been found to have no merit, this application will suffer the same fate. The respondent's application dated 1st June 2022 is an

interlocutory application of the review application, and will also suffer the same fate as the review application.

[36] Turning to the striking off application it must first be determined whether the applicant has established the offending conduct against the respondent. The applicant has raised serious allegations against the respondent. Despite those serious allegations been raised against the respondent by the applicant, the respondent has failed to file an answering affidavit refuting those allegations or giving any form of explanation. What the applicant did was to raise technical objections which did not in any way advance his case. The applicant's version remains unchallenged, and this court is satisfied that the applicant had established the offending conduct against the respondent on a balance of probabilities.

[37] The second question to be determined is whether in the light of the misconduct established, the respondent is not fit and proper to continue to practice as an attorney. After the misconduct were reported to the applicant by various complainants, the applicant tried to engage the respondent, but the respondent was not co-operative. Even when this court put this matter under case flow management and called the respondent to attend the meetings, the respondent without any excuse despite been aware of the date failed to attend. The respondent also failed to comply with the directives issued by this court in trying to manage the matters.

[38] The complaints against the respondent are serious and some of them have elements of dishonesty. The respondent instead of co-operating with the applicant or dealing with the complaints, resorted to attacking the applicant

and even challenging the applicant's standing without any basis. In *Law Society, Northern Provinces v Mogam*⁸ Harms DP said:

"Very serious, however, is the respondents' dishonest conduct of the proceedings. Instead of dealing with the issues they launched an unbridled attack on the appellant. It has become common occurrence for persons accused of wrongdoing, instead of confronting the allegation, to accuse the accuser and seek to break down the institution involved. This judgment must serve as a warning to legal practitioners that courts cannot countenance this strategy. In itself it is unprofessional."

[39] The deliberate defiance which the respondent had shown to the applicant, and even when called to appear before this court, and also his failure to comply with the directives issued by this court, shows that he is a person who does not want to be regulated. This is the type of the conduct which is not expected from an officer of the court. I therefore find that he is not fit to continue to practising.

[40] The last enquiry is what will be the appropriate sanction. The respondent has been on suspension since the 4th December 2018, which is now almost four years. Despite that lapse of time, the respondent remained defiant, and that shows that he is not remorseful. The period which he had spent did not teach him anything. He had no respect for the authority and does not want to be regulated. The only suitable sanction is that of the removal of his name from the roll of attorneys.

[41] In the result the following order is made:

41.1 That the respondent's interlocutory applications are dismissed.

⁸ 2010 (1) SA 186 (SCA) at 195I-J

41.2 That Simon Nkuba Mokone (respondent) be struck from the roll of attorneys.

41.3 That the relief set out in paragraphs 1.3 up to and including 1.16 of the order of 4th December 2018 remain in force.

41.4 That the respondent be and is hereby directed:

41.4.1 to pay, in terms of section 78(5) of Act No 53 of 1979, the reasonable costs of the inspection of the accounting records of the respondent;

41.4.2 to pay the reasonable fees and expenses of the curator;

41.4.3 to pay the reasonable fees and expenses of any person(s) consulted and/or engaged by the curator as aforesaid;

41.4.4 to pay the expenses relating to the publication of this order or abbreviated version thereof; and

41.4.5 to pay the costs of this application and the costs of the interlocutory applications on attorney and client scale.

KGANYAGO J

**JUDGE OF THE HIGH COURT OF SOUTH
AFRICA, LIMPOPO DIVISION,
POLOKWANE**

I CONCUR

LEDWABA AJ

**ACTING JUDGE OF THE HIGH COURT OF
SOUTH AFRICA, LIMPOPO DIVISION,
POLOKWANE**

APPEARANCES:

Counsel for the applicant	: LG Groome
Instructed by	: Rooth & Wessels Attorneys
Respondent	: In default
Date heard	: 28th October 2022
Electronically circulated on	: 25th November 2022