

In the High Court of South Africa
Gauteng Local Division Pretoria.

Case no. 85186/19

Matome Mmatau

1st Applicant

Thabo Matlou

2nd Applicant

Marcelino Matola

3rd Applicant

Benny Ndlovu

4th Applicant

Raymond Masango

5th Applicant

Thapelo Mokgatle

6th Applicant

And

Ga-Rankuwa United Taxi Association

Respondent

Judgment.

LI Vorster AJ:

1. The Applicants apply for an order in the following terms :-

1. That the Respondent be found guilty of being in contempt of a Court order granted 25 November 2019:

2 That the Respondent be directed to purge such contempt within 48 hours Of this order;

3 Should Respondent fail to purge such contempt that the Respondent be committed to prison alternatively to payment of a fine;

4 That an independent auditor be appointed to audit all books and accounts of Respondent and provide an audited financial report within 30 days or any further period allowed by the court

5. That the Respondent pays the costs of the Applicant on the scale of attorney and client.

2. The Respondent opposes the relief sought by Applicant and asks for dismissal of the application with costs on a scale of attorney and client.

3. Before I deal with the merits of the application I must say something about the prayer seeking to commit the Respondent to jail. The Applicants all make much of the fact that they are esteemed members of the Respondent. Are they opting to go to jail? If not who must go to jail? I mention this because the formulation of the application and the founding affidavit gives rise to the inference that very little if any thought went into the planning of this application

4. The Applicants allege that the Respondent committed contempt by violating a court order. The court order in question was made by agreement between the parties during 1919 when the Respondent approached the court on an urgent basis claiming interdictory relief against the applicants. By agreement an order was made inter alia compelling the executive committee of Respondent to file their reports dealing with their terms of service on 28 February 2020.

5. There is no mention of audited reports in the court order. It follows that the allegation based on failure to deliver audited reports is based on a faulty assumption that the court order compelled the delivery of audited reports.

6. There is no substance in the application, The Respondents asked for a punitive costs order. In my view that request is justified. The application is so devoid of substance that it smacks of abuse of process.

In the premises of the foregoing I make the following order: and

The application is dismissed with costs on the scale of attorney and client.



LI Vorster AJ

13/4/21

Counsel: For Respondents Attorney A. Viakazi.

