

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO
(3)	REVISED: NO
17/05/2019	
DATE	SIGNATURE

CASE NO: 90375/2018

In the matter between:

NATIONAL SOCCER LEAGUE

FIRST APPLICANT

ABSA BANK LIMITED

SECOND APPLICANT

And

SOUTH AFRICAN FOOTBALL ASSOCIATION

FIRST RESPONDENT

OUTSURANCE INSURANCE COMPANY LIMITED

SECOND RESPONDENT

OUTSURANCE LIFE INSURANCE COMPANY LIMITED

THIRD RESPONDENT

OUTVEST PROPERTY LIMITED

FOURTH RESPONDENT

OUTSURANCE HOLDINGS LIMITED

FIFTH RESPONDENT

JUDGMENT

COLLIS J:

INTRODUCTION

[1] The National Soccer League (“NSL”) and ABSA BANK Limited (“ABSA”) brought an urgent application against the South African Football Association (“SAFA”) and four Outsurance companies (“Outsurance”). In the main application,¹ which is set down for hearing on 22-24 May 2019, the applicants seek an interim interdict preventing SAFA and Outsurance from continuing to implement the Outsurance Agreement, pending the final resolution of the dispute either by means of arbitration proceedings, alternatively review proceedings.

[2] Pursuant to the main application being launched SAFA filed notices in terms of rule 35(12) and 35(14) demanding the disclosure of 61 documents it alleged are referred to in the NSL’s founding affidavit. SAFA further filed a rule 7 notice challenging the authority of the deponent to the founding affidavit filed on behalf of the NSL and ABSA in relation to the main application.

[3] Based on the above mentioned notices, SAFA instituted interlocutory proceedings seeking orders to compel compliance with the notices.

[4] On 6 May 2019, this Court was called upon to adjudicate on the two interlocutory applications. At the commencement of the proceedings the legal representatives had

¹ Founding Affidavit p 133 para 306

intimated to me in chambers that at a case management meeting held between themselves and the Acting Deputy Judge President on 26 February 2019, it was agreed that if convenient to me given the short time frame between the hearing date of the interlocutory applications to the hearing date of the main application, I could merely grant orders with reasons to follow in order to facilitate the hearing of the main application set down for 22-24 May 2019.

ORDER

[5] Having therefore considered the affidavits filed of record and the respective arguments presented the orders which I issue is as follows:

5.1 In respect of the **Rule 7 application**: The application is dismissed with the first respondent ordered to pay the costs of the second applicant on an attorney and client scale from 1 May 2019.

5.2 In respect of the **Rule 30A application** to compel the furnishing of the documents sought in terms of rule 35(12) and 35(14): The application is dismissed with the first respondent ordered to pay the costs of the first applicant on a punitive scale, such costs to include the costs of three counsel.

[6] This Court's reasons for the orders so given will follow in due course.



COLLIS J

JUDGE OF THE HIGH COURT OF

SOUTH AFRICA

Appearances:

For the First Applicant: C. Puckrin SC, F. Ismail and S. Scott

Attorney of the First Applicant: Webber Wentzel

For the Second Applicant: S. Budlender

Attorney for the Second Applicant: ENSafrica

For the First Respondent: J. Rautenbach SC and D. Tshabalala

Attorney for the First Respondent: GNG Incorporated

Date of Hearing: 6 May 2019

Date of Judgment: 17 May 2019