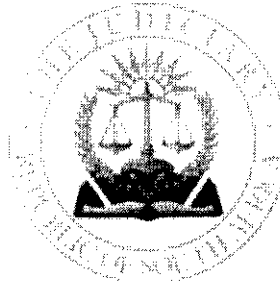


REPUBLIC OF SOUTH AFRICA

IN THE HIGH COURT OF SOUTH AFRICA,
GAUTENG DIVISION,
PRETORIA

CASE NO: 25406/17

11/4/2017

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

In the matter between:

TSHWANE BUSINESS & AGRICULTURAL
CORPORATION NPC

APPLICANT

and

CITY OF TSHWANE MUNICIPALITY

RESPONDENT

J U D G M E N T AND ORDER – 11 April 2017

WRIGHT J

1. This judgment follows on my judgment and order of 7 April 2017. The applicant did not file a supplementary affidavit as invited in my order of 7 April 2017. Instead, it filed a replying affidavit after the answering affidavit had been filed. This means that there is new matter in the replying affidavit. The respondent needs time to search its archives to look for a final demand sent during or about August 2016. In my view it would be unfair not to afford the respondent an opportunity to place this demand before the court. In the interim the rule must be extended because notice by the respondent appears, on the papers before me to have been inadequate. There is nothing to stop the respondent from delivering a fresh final demand notice if it wishes to do so.

Order

1. The rule nisi is extended to 28 June 2017.
2. The respondent may file a supplementary answering affidavit by 4pm on 19 May 2017.
3. The applicant may file a supplementary replying affidavit by 4pm on 26 May 2017.
4. Costs reserved.
5. Nothing in this order prevents the respondent from at any time serving a final demand on the applicant if it wishes to do so.



GC WRIGHT J
JUDGE OF THE HIGH COURT,
GAUTENG DIVISION,
PRETORIA