FREE STATE HIGH COURT, BLOEMFONTEIN
REPUBLIC OF SOUTH AFRICA

Reportable:	**YES/NO**
Of Interest to other Judges:	**YES/NO**
Circulate to Magistrates:	**YES/NO**

Case no: 1584/2017

In the matter between:

HENDRIK ENSLIN DU TOIT N.O. First Applicant
[In his capacity as co-trustee of the Henmar Trust]

MARTHA MAGDALENA VISSER N.O. Second Applicant
[In her capacity as co-trustee of the Henmar Trust]

PIETER GENEKE DU TOIT N.O. Third Applicant
[In his capacity as co-trustee of the Henmar Trust]

AGENT MNGOMEZULU Fourth Applicant

JACOBUS CHRISTOFFEL DU PLESSIS Fifth Applicant

DANIEL JOHANNES BEZUIDENHOUT Sixth Applicant

JACOBUS PETRUS HENDRICUS MARX Seventh Applicant

Eighth Applicant

NANCY ANNIE HARRIET BRUITENBACH

and

First Respondent

COENOE 90 CC
[Registration number: 2005/004930/23]

Second Respondent

FRANCOIS RETIEF BESTER

Third Respondent

SILVIA ELIZABETH BESTER h/a PANDORA'S GUESTHOUSE

Fourth Respondent

DIHLABENG LOCAL MUNICIPALITY

CORAM: HEFER, AJ

JUDGMENT: HEFER, AJ

HEARD ON: 15 JUNE 2017

DELIVERED ON: 2 AUGUST 2017

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[1] Pandora's Guesthouse is situated at and conducted as a guesthouse from number [...] K. S., Bethlehem, Free State Province.

[2] The First Respondent is the owner of the property where Pandora's Guesthouse is situated. The First Respondent's main place of business is also at the same address.

[3] The Third Respondent operates Pandora's Guesthouse on the said premises. According to the Applicants, the Third Respondent is

indeed trading as Pandora's Guesthouse. According to the Respondents however, the Third Respondent only operates the guesthouse on behalf of the First Respondent.

[4] First to Ninth Applicants are the respective owners of the properties mentioned in Kwagga Street, La Provance, Bethlehem and all the Applicants, with the exception of the Third Applicant, reside in Kwagga Street with their respective families.

[5] According to the Applicants, the Respondents' use of the property concerned, being Erf [...], situated at number [...] K. S., is being run as a business in contravention of the residential use of the property as required by the zoning of the property and is therefore being run illegally. The Applicants therefore seek an order in terms of which the Respondents be interdicted from such illegal use of the property concerned and further that all interim uses of the property, that may be in contravention of the residential use of the property as required by the zoning of the property be interdicted pending any application that the Respondents may launch to the relevant authority.

[6] According to the Applicants, the zoning or permitted land use of Erf [...], Bethlehem, is that of "*single residential",* which means that it may be used as a dwelling house. With the consent of Fourth Respondent's council, it may be used for purposes of "*place of public worship, place of instruction, instructional building or a place of assembly",* but such consent had not been granted by the Fourth Respondent to the First, Second nor Third Respondent.

[7] In terms of the stipulations of the Bethlehem Town Planning Scheme, a dwelling house and dwelling unit are defined as "*a self-contained interleading set of rooms used only for the living accommodation and housing of a single family together with such outbuildings as are ordinary used therewith."* The use of such property for purposes as a guesthouse would thus fall outside this definition and would therefore be illegal. According to the title deed of Erf [...] Bethlehem, the owner, being the First Respondent, may only use the property in accordance with the stipulations of the Bethlehem Town Planning Scheme. The building plans of the house situated on the property was furthermore approved for the purpose of a dwelling house/unit. According to the Applicants, the use of the property by the Respondents as a guesthouse or place of accommodation is thus in contravention of the title conditions as set out in the title deed as well as the Bethlehem Town Planning Scheme read with the relevant ordinances regarding building regulations.

[8] The Applicants' complaints in regards to the use of the property, save for the illegality thereof, can be summarised as follows:

(i) The First and Second Applicants, who reside opposite the property of the First Respondent concerned, frequently see large trucks and construction vehicles parked at the First Respondent's property from where persons alight and enter the property;

(ii) during January 2017 a party or a function was hosted at the First Respondent's property concerned where more than fifty

persons, of which a number was apparently guests who booked accommodation for the night with the Third Respondent, attended. During the course of the evening the situation got out of hand when people started drinking, swearing, yelling and urinating in the street. The SA Police Services attended to the scene at around 03h00 in the morning whereupon the noise and music quieted down. However as soon as the SAPS vehicle left the scene, the noise and music was turned back on and continued until the police arrived again at 07h00. The area in Kwagga Street was strewn with empty beer and liquor bottles and it was, according to the Applicants, an absolute chaotic scene. Apparently the Applicants met on that very same afternoon to discuss the "*immense night"* which they suffered through due to the noise and nuisance caused by the Respondents' numerous guests;

(iii) the Applicants apparently also observed that there were numerous taxis and/or vehicles from Lesotho that visited the First Respondent's premises frequently and accommodation was then offered for these persons;

(iv) during February 2017 a Big Sky bus, loaded with guests, arrived at the property upon which several guests then entered the property of the First Respondent from about 18h00 that evening. Apart from the bus there were also three other vehicles, which vehicles contained various guests. The bus again picked-up the number of guests which was estimated at approximately fifteen the next morning at about

05h00 with lots of noise and disturbance caused in the quiet suburb; and

(v) during March 2017 the First Applicant observed, on a regular basis, a truck which was parked in front of the First Respondent's property of which a photograph was then also appended to the founding affidavit.

[9] The Applicants allege that due to the attitude of the First Respondent to continue with the self-help, contrary to the law and the rights of the various Applicants, the Applicant live in the constant fear that the huge functions catered or presented by the First Respondent during January as well as February 2017 would again repeat itself at frequent stages.

[10] The Applicants further contend that the values of the property in the vicinity of Pandora's Guesthouse will definitely decrease if the First Respondent carries on with conducting his unlawful business, especially in the manner it is currently conducted whereby peace of the neighbours in the neighbourhood is disturbed.

[11] The Respondents' opposition to the application is firstly based on the fact that Second Respondent, in his capacity as sole member of the First Respondent as well as the Third Respondent should not have been joined as parties in the application and that the application for that reason should be dismissed against Second and Third Respondents.

[12] According to the Respondents a guesthouse has been operated on the property concerned since 2015. It was however, according to the Respondents, never the intention to operate an illegal guesthouse on the property and because thereof, the Fourth Respondent was approached during May 2015 with the aim to establish what the steps and process the First Respondent had to take and follow to obtain the necessary authority and permission to operate a guesthouse on the property. The Third Respondent, on behalf of the First Respondent, in her attempts to obtain the abovementioned necessary authorisation, was then referred to one Me. K Marais who was apparently the person responsible at the Fourth Respondent for application for permission to operate a guesthouse. Me. Marais then provided the Third Respondent with the necessary application forms to be completed as soon as possible to have the application of the Fourth Respondent for the operation of the guesthouse approved. The Second and Third Respondents then, completed the application for special permission to operate a guesthouse from the property. During May 2015 the abovementioned completed application was then submitted to the offices of Me. Marais and the required amounts, which had to be paid before the application would be considered, was paid by the First Respondent. Of importance is that according to Respondents, Me. Marais also gave permission to operate a guesthouse on the property pending final approval of the abovementioned application which was submitted to her for approval. According to the Second Respondent, he remembers a letter that was received from Me. Marais, confirming the abovementioned consent. However the said letter could not be found to attach to the opposing affidavit. It is the case of the Respondents that in the premises Me. Marais at all

relevant times caused the Respondents to reasonably believe that the First Respondent is permitted to operate a guesthouse from the property pending approval of the abovementioned application. As a result of the aforementioned, the guesthouse under the name and style of Pandora's Guesthouse has been operating on the property since May 2015. The Respondents did not, however retain a copy of such application.

[13] According to the Respondents it came to the knowledge of the First Respondent during November 2016 that the first application went missing and that no record thereof exists at the Fourth Respondent. The Third Respondent, as a result of the aforementioned, approached Me. Marais again during the beginning of November 2016 and requested her to provide the Third Respondent with new application forms. Me. Marais then complied with the request and provided Third Respondent with the necessary forms and zoning certificate during November 2016. The Respondents now append all the necessary relevant documentation pertaining to the latter "*second application"*. The Respondents then further point out that the intention to apply for special consent to operate a guesthouse on the property concerned was indeed advertised in the local newspapers during April 2017. The second application was then also, as prescribed, sent to the owners of the property adjacent to the property concerned via registered mail. A letter of objection was then received from the Applicants' attorneys subsequent to the advertisement referred to. In this letter of objection on behalf of the Applicants in the application, the attorney acting on behalf of the Applicants, Mr. Mihan *Bester*, then also referred, amongst others to

the incidents during January as well as February 2017 as grounds for objecting to the application for special consent.

[14] According to the Respondents, the First Respondent had a discussion with a representative of the Fourth Respondent, namely Mr. Masisi who informed him that the Fourth Respondent will only reject the second application if valid reasons were raised by the owners of the adjacent property to the said property. Of importance is that, according to the Respondents, Mr Masisi allegedly informed Third Respondent as well as the Second Respondent that the First Respondent can proceed with operating a guesthouse on the property pending the final decision by the Fourth Respondent. According to the Second Respondent he did attempt to obtain a confirmatory affidavit from Mr. Masisi, but Mr Masisi indicated that he does not want to become involved.

[15] The Respondents then further contend that since May 2015 no objection and/or complaints have been received against the guesthouse on the property concerned from any of the neighbours adjacent to the property as well as from any residents in the area in which the property is situated, nor from the Fourth Respondent. According to the Respondents the only complaints on which the Applicants rely are those referred to which are without basis according to the Respondents.

[16] The Respondents then proceed and deal with each of the grounds of objection referred to above individually.

[17] The Respondents asked that the application be dismissed. In the alternative, the Respondents seeks an order in the form of a counter application to the effect that the relief sought against the First, Second and Third Respondents be suspended pending the finalisation by the Fourth Respondent of the First Respondent's application for special consent to operate Pandora's Guesthouse on the property known as [...] K. S., La Provance, Bethlehem.

[18] In reply, the alleged temporary consent to operate the guesthouse pending the finalisation of either the first or the second application is denied by the Applicants. In particular a confirmatory affidavit by Me. Marais is then also attached to the replying affidavit in which she denies in particular that such consent, pending the finalisation of the application for special consent, had been granted by herself. As far as Mr. Masisi's alleged consent is concerned the Respondents submit that his remarks were irrelevant and uncorroborated since no confirmatory affidavit was appended. Furthermore, according to the Applicants, Mr. Masisi is unauthorised to grant the authority to the Third and First Respondents to operate a guesthouse.

[19] What is of further importance is that First Respondent was requested to cease the illegal operation of the guesthouse during February 2017. In response to such a request, First Respondent, apparently represented by Second Respondent, confirmed that it will proceed with business as usual in a letter dated 22 February 2017 addressed to Mr. Mihan Bester.

[20] In regards to the point of misjoinder, *Mr. Buys*, on behalf of First to Third Respondents, referred me to the latter letter. This letter is written on a letterhead of "*F A Bester duly authorised for Coenoe 90 CC"*. The F A Bester referred to can only be the Second Respondent. In the letter it is stated that the property is indeed registered in the name of First Respondent of which the Second Respondent is the sole member. In the same letter the Second Respondent then also states that the guesthouse is then run with this full approval.

[21] The fact that the property is registered in the name of the First Respondent does not necessarily mean that it is indeed the First Respondent who is running the business as Pandora's Guesthouse. Furthermore in the opposing affidavit, the First to Third Respondents, in regards to the Third Respondent now states, as was not done previously, that Pandora's Guesthouse is operated on the property on behalf of the First Respondent by the Third Respondent. The Applicants did not have this knowledge prior to the opposing affidavit being filed.

[22] In the advertisement in the local newspaper pertaining to First Respondent's application for special consent, dated 19 April 2017, the following heading appears;

> "*Kennis geskied hiermee dat Francois Bester/Coenoe 90 CC trading as Pandora's …"*

[23] According to this heading it can either be the First - or the Second Respondent who applied for the special consent. Furthermore the

Respondents have failed to produce any documentation, and in particular, financial statements showing that is indeed the close corporation and not the individual, being the Second Respondent, who are trading as Pandora's Guesthouse.

[24] Second Respondent is, however, cited by Applicants as follows: "*Francois Retief Bester (in his capacity as sole member of the First Respondent).* Whereas the First Respondent, being the close corporation, is already before Court as a Respondent, it is inexplicable why the Second Respondent was joined in particular in his capacity as sole member of the First Respondent. However, the Second Respondent is already before Court as an adult businessman residing at a certain address. Being a member of a close corporation, does not put a person in a different capacity as is the case when a person is cited in his capacity as a trustee. For the reasons set out above and in particular in regards to the duel identification as an Applicant in the advertisement referred to above, I do however find that the issue of misjoinder in regards to the Second Respondent should not be upheld.

[25] It appears however, to be common cause that the Third Respondent is indeed acting as representative of the First Respondent. Any remedy by the Applicants will therefore not lie against the Third Respondent but only against the First as well as the Second Respondent.

[26] *Mr. Buys* argued that, even where a statute prohibits the doing of a particular act affecting the public, no person has the right to action against another merely because he/she has committed the prohibited act. It is incumbent on the party complaining, to allege

and prove that the doing of the act prohibited has caused him/her some special damage. In this regard he referred me to the matter of **Von Molkte v Costa Areosa (Pty) Ltd** 1975 (1) SA 2557 where the Court held, with reference to **Patz v Greene and Co.** 1907 TS 427, where there is ample machinery for enforcing the provisions of an ordinance, it is unnecessary for a member of the public to take the initiative unless he can bring himself within the terms of the general rule, namely that the prohibited act has caused him or her some special damage. In the **Patz**- matter referred to, the so-called "*special damage"* was described as "*some peculiar injury beyond that which he may be supposed to sustain in common with the rest of the Queen's subjects by an infringement of the law.*"

[27] On this point, *Mr. Rautenbach* on behalf of the Applicants referred me to **BEF (Pty) Ltd v Cape Town Municipality and Others** 1983 (2) SA 387 CPD where it was held that the Applicant who was an immediate neighbour to the property on which the non-conforming building was built, did indeed have the necessary *locus standi* to enforce compliance with the particular Town Planning Scheme. Grosskopf J, held that the purposes to be pursued in the preparation of the Town Planning Scheme suggest that the scheme was intended to operate, not in the general public interest, but in the interest of the inhabitants of the area covered by the scheme or at any rate those inhabitants who would be affected by a particular provision. With reference to **Patz v Greene** *supra*, it was held that the intervention of a Court can be sought by any person in favour of whom the legislature has prohibited the doing of an act, to enforce the prohibition without proof of special damages. In **Walele v City**

of Cape Town and Others 2008 (6) SA 129 CC, the Constitutional Court also held the following:

> "*The result of a zoning scheme is thus to restrict the rights of all owners in an area. Yet zoning schemes also confer rights on owners, because owners are entitled to require that neighbouring owners comply with the applicable zoning scheme. Where an owner seeks to depart from the scheme, the rights of neighbouring owners are affected and they are entitled to be heard on the departure."* (At p. 182, par. 130).

[28] Whereas all the Applicants before Court are indeed owners and/or residents in the same street where the Pandora's Guest House is situated, and it is common cause that the Respondents have not obtained the necessary authority and consent from the Fourth Respondent to operate the guesthouse, I find that the Applicants do have the necessary *locus standi* to ask for the intervention of the Court in the present application.

[29] The Applicants complain about certain incidents which can be described as "*disruptive"* or "*noisy", nuisances*". According to the Respondents those incidents were of not such a nature as to warrant the relief as sought by the Applicants. It appears to be common cause that a guesthouse, although not the Pandora Guesthouse, has already been run from the same premises since at least the end of 2015. For more than a year there appear to be no incidents of which any of the Applicants before Court complained about. However, all of a sudden since January as well as February 2017 the Applicants now complains about certain incidents. Surely

since the end of 2015 there must have been other guests visiting the premises where the guesthouse is situated. However, there were no complaints from any of the Applicants. Now all of a sudden the Applicants refer to two allegedly disruptive incidents during January/February 2017. If one for instance also consider the vehicle which is allegedly parked across the road from the residence of the First Applicant, it appears that it is a broad road and that the presence of a vehicle as it appears on the photograph which formed part of the affidavits, cannot cause any nuisance to the Applicants and in particular the First and Second Applicant. I therefore find that the incidents referred to, does not justify the relief sought considering for how long a guesthouse has already been run from the said premises apparently, with the knowledge of the Applicants.

[30] As far as the alleged reduction on the value of the property is concerned, I am disregarding this factor in totality for purposes of the present application. If the operation and location of a guesthouse *per se* adversely affects the value of the property, it will mean that, applications for special consent in particular to trade as a guesthouse, will never be granted because if it is granted it will necessarily have an adverse effect on the value of the properties in the area concerned. Although the value of the properly might be adversely affected by the use and rezoning of certain adjacent properties, I do not find it as a ground to grant the relief as sought by the Applicant in this particular instance. Furthermore, Applicants through the sworn affidavit by Mr, Breytenbach did not show that there had already been a decrease in the value of the property since the operation of the guesthouse.

[31] As far as the alleged consent granted by first Me. Marais and then later Mr. Masisi is concerned, there appears to be a dispute of fact. In this regard *Mr. Buys* referred me to the principles stated in **Plascon-Evans Paints Ltd v Van Riebeeck Paints (Pty) Ltd** 1984 (3) SA 623 A at 634 to 635. *Mr. Buys* argued that if one should apply those principles to the present matter, based on the allegations by the Respondents, it should be accepted that such consent had indeed been granted by one or both of the persons referred to.

[32] In **Room Hire Co. Ltd v Jeppe Street Mansions (Pty) Ltd** 1949 (3) SA 1155 (T) Murray, AJP at 1162 said the following:

> "*In as much as the ascertainment of the true facts is effected by the trial judge, on considerations not only of probability but also of credibility of witnesses giving evidence viva-voce, it has been emphasised repeatedly that (except in interlocutory matters) it is undesirable to attempt to settle disputes of fact solely on probabilities disclosed in contradictory affidavit, in disregard of the additional advantages of viva-voce evidence …"*

[33] In **Decor Paint v Plascon-Evans Paints** (*supra)* at 223 D – E Flemming J said the following:

> "*A respondent can therefore avoid judgment against him without asking for the hearing of oral evidence. The applicant, on the other hand, can only succeed by removing the obstacle created by the respondent's evidence. From the point of view of achieving success in the application, it is therefore*

incumbent upon the applicant to ask for the hearing of oral evidence so as to enable him to establish that his evidence and the resulting probabilities should be acted upon."

[34] To date neither party has asked for the hearing of oral evidence.

[35] Because of the existence of the dispute of facts and because of the undesirability to make a finding based on the probabilities, I am unable to make a finding in this regard. On probabilities I am not convinced that such consent had been granted by either Me. Marais or Mr. Masisi. The absence of any documentation showing such interim consent does not favour the Respondents. Furthermore, one would have expected Respondent, and in particular Second Respondent in his letter dated 22 February 2017 addressed to Applicants' attorneys to refer to such interim consent, which was not done. However, for the reasons set out hereunder, I do not find it necessary to make a finding in this regard.

[36] Even if it is accepted that Me. Marais as well as Mr. Masisi did grant permission to operate the guesthouse pending the outcome of the application by the Respondents, such informal authority cannot be the authority by the Fourth Respondent as envisaged by the relevant ordinances and regulations in this regard. After the proper procedure had been followed, and in particular after proper notices have been given to the property owners in the vicinity of the guesthouse, and notices in the local Newspaper, only then after proper consideration may consent be granted for the special use as a guesthouse. Up until that stage the guesthouse on the property is being run illegally.

[37] *Mr. Buys* in the last instance argued that whereas a criminal sanction is provided for in the relevant legislation, the requirement of an alternative remedy in regards to an interdict as set out in **Setlogelo v Setlogelo 1914 AD 221** was not met. In this regard *Mr. Buys* referred me to the matter of **Food & Allied Workers Union v Scania Delicatessens CCB 2001 (3) SA 613 SCR** where it was held that criminal prosecution under Section 53(1) of the previous Labour Relations Act, 28 of 1956 was a competent alternative remedy to the relief applied for. Of importance is that in that the Appellants therein brought an application to declare that the First Respondent was obliged to comply with the terms of an order granted by the Industrial Court. The Court *a quo* held that the High Court does not have the power to make a comital order for contempt based upon non-compliance with the judgment of the Industrial Court. The present matter is however distinguishable from the **Food & Allied Workers Union** matter whereas the relevant legislation and in particular Section 53(1) read as follows:

> "*Any person who contravenes or fails to comply with any … order, condition of any order, decision, the award or determination by the Industrial Court shall be guilty of an offence."* (My emphasise).

[38] As far as Section 53 referred to is concerned, it provided a criminal sanction and therefore the Court held that it was not competent to give an order in regards to comital. This is not however, authority for the submission that the availability of a criminal sanction provides

an alternative remedy for purposes of an interdict. Therefore there is no alternative remedy available to the Applicants. I am therefore satisfied that all the requirements of an interdict had been met.

[39] *Mr. Rautenbach* in opposition to the suspension of the interdict against the Respondents, referred me to amongst others the matters of **Lester v Ndlambe Municipality and Another** 2015 (6) SA 283 SCA as well as **United Technical Equipment Co. (Pty) Ltd v Johannesburg City Council 1987 (4) SA 343 (T)**. In the **Lester**-matter Majiedt JA referred to the following *obiter dicta* of Harms J (as he then was) in the **United Technical Equipment** matter in support of the contention that, where the breach of law interdict is a breach of a statute, a stricter approach is adopted, namely at p. 347 – F - H:

> "*It follows form an analysis of these cases that discretion can, if at all, only arise under exceptional circumstances. Furthermore, I am not aware of any authority which would entitle the Court to suspend the operation of the interdict where the wrong complaint of amount so a crime."*

[40] Majiedt JA, further confirmed Harms JA's contention that there is not a rule that a statutory right is stronger than a common law right. It simply means that where a statutory breach is visited with criminal sanction, a Court is not entitled to suspend the operation of an interdict. In the **Lester-** matter, namely contravention of the particular section of the National Building Regulations and Building Standards Act, 103 of 1977, constitutes a criminal offence with a penal sanction. *Mr. Rautenbach* referred me in this regard to the

Free State Townships Ordinance No. 9 of 1969 and in particular Section 41 thereof in terms of which contravention of certain sections as well as any regulation under the Ordinance is indeed met with a criminal sanction.

[41] I am in agreement with *Mr. Rautenbach* that although the nuisance created by the Respondents and in particular the guests visiting the guesthouse are denied by the Respondents, Respondents' denial of the nuisance does not detract from the continued illegality of the Respondents' use of the property. Any informal consent granted by either Me. Marais or Mr. Masisi could not have rendered such illegal activities legal. Suspension of an interdict which is granted in favour of the Applicants is therefore not feasible and can indeed not be allowed.

[42] It appears that there may however, be some medium to long-term residents currently making use of the guesthouse. In order to allow such guests the opportunity to obtain alternative accommodation, I deem it just and equitable that the interdict be suspended for a reasonable period of time.

[43] As far as costs is concerned, there is no reason why the Respondent, and in particular First and Second Respondent should not bear the costs of the application. As far as Third Respondent's costs are concerned whereas Third Respondent made use of the same attorney as well as counsel for the matter and therefor did not in all likelihood incur any additional costs, no special cost order will be made in spite of it being held that the Third Respondent should indeed not have been joined as a party to the application.

In the premises the following order is made:

ORDER

1. The First as well as Second Respondents are interdicted from using Erf [...], Bethlehem (Extension 43), district Bethlehem, held in terms of Title Deed 24560/204, situated at [...] K. S., La Provance, Bethlehem, for any purpose other than "*dwelling house/unit/and/or in conflict with the single residential zoning*" .

2. The First and Second Respondents are interdicted from conducting any business, office or accommodation facility other than "*dwelling house/unit*" from Erf [...], Bethlehem situated at [...] K. S., La Provance, Bethlehem whilst and until any application to amend the land use of Erf [...], Bethlehem has been approved by the Fourth Respondent.

3. The relief set out in paragraphs 1 and 2 above is suspended up until 15 September 2017.

4. First and Second Respondents are to pay the costs of the application jointly and severally, payment by the one to absolve the other.

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J.J.F. HEFER, AJ

On behalf of the applicant:	Adv. J S Rautenbach Symington & de Kok Attorneys 169B Nelson Mandela Drive BLOEMFONTEIN
On behalf of the First, Second and Third Respondents:	Adv. J J Buys J L Jordaan Attorneys 4 Brill Street Westdene BLOEMFONTEIN