



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG**

Case NO: 2024-070685

(1)	REPORTABLE: No
(2)	OF INTEREST TO OTHER JUDGES: No
(3)	REVISED
28 June 2024	
	WRIGHT J
DATE	SIGNATURE

In the matter between:

ANNIE DORGES MICHAELS

Applicant

and

FIRSTMILE PROP JHB CROWN MINES (PTY) LTD

1st Respondent

TAKE SHAPE PROPERTY MANAGEMENT (PTY) LTD

2nd Respondent

JUDGMENT

WRIGHT J

1. The applicants rent a shop from the respondents in downtown Johannesburg.
2. In a very terse founding affidavit they seek urgent spoliation relief. They say that the respondents, on Sunday 23 June 2024, switched off the electricity and locked the shop.
3. Urgency is alleged in that the applicants sell linen and if they can't trade they may be liquidated and employees will become unemployed. The respondents oppose but have not had time to file an opposing affidavit. Counsel for the applicant insisted that the matter proceed today, Friday.
4. The urgency, if it exists at all and I make no finding thereon, is not urgent enough for a Friday hearing.
5. The respondents are entitled to an opportunity to file an opposing affidavit and have not yet been given a fair opportunity.
6. Adv Mutenga for the respondents seeks punitive costs. In my view, party and party costs on scale A suffice.

ORDER

1. The matter is removed from the roll.
2. The applicants are jointly and severally to pay the respondents' costs.



GC Wright

Judge of the High Court

Gauteng Division, Johannesburg

HEARD : 28 June 2024

DELIVERED : 28 June 2024

APPEARANCES :

Applicants Att S.F Silamulela

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Respondents Adv H Mutenga

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