

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO.: 120034/2024

(1) REPORTABLE: NO
(2) OF INTEREST TO OTHER JUDGES: NO
(3) REVISED: NO

Date: 31 October 2024

E van der Schyff

In the matter between:

KOBUS HOFFMAN

Applicant

And

FREEDOM FRONT PLUS

First Respondent

GERT VAN NIEKERK N.O.

Second Respondent

JUDGMENT

Van der Schyff J

Introduction

- [1] The applicant, Mr. Hoffman, approached the urgent court seeking an order to the effect that the respondents are interdicted from proceedings with a disciplinary hearing set down for 5 November 2024, pending the finalisation of relief sought under Part B of the application.
- [2] In Part B, Mr. Hoffman seeks an order that the first respondent must remove second respondent and the disciplinary committee members from the disciplinary hearing of the applicant, and that the Arbitration Foundation of Southern Africa be ordered to appoint an independent chair and committee to attend to a fair and just disciplinary hearing.
- [3] The applicant avers that the first respondent unilaterally set down the disciplinary hearing for 5 November 2024, despite being informed that the applicant's counsel is not available on the date.
- [4] The facts, however, indicate that the applicant was suspended from all party obligations on 5 July 2024. The disciplinary hearing was set down for 4 October 2024. When the applicant informed the first respondent that his preferred counsel is not available on the date, the first respondent requested that dates be sent through which would suit the applicant's counsel. The dates provided was for 2025, and were not acceptable for the first respondent. On 8 October 2024, the first respondent set the matter down for 4 November 2024, and the applicant was duly notified.
- [5] The first respondent acted in accordance with the procedure set out in its Constitution. The applicant does not make out a case that it would not be possible for him to seek a postponement at the hearing. He also did not, on the papers before me, make out a case that his preferred counsel is the only counsel or legal representative who would be able to represent him at the disciplinary hearing. He anticipates that the presiding committee would disregard his interests and not adjudicate the matter objectively and fair.
- [6] The application is, in my view, premature, and as such it does not cross the hurdle of urgency.

- [7] Counsel for the applicant submitted that the applicant does not have the financial means to pay the costs of the application and, if he is not successful, that an order be made so that each party pays its own costs.
- [8] Such an approach would, however, not be just and fair towards the first respondent, who was dragged to court on an urgent basis. There is no reason to deviate from the principle that costs follow success.

ORDER

In the result, the following order is granted:

- 1. The application is struck from the roll with costs on scale A.**



 E van der Schyff
 Judge of the High Court

Delivered: This judgment is handed down electronically by uploading it to the electronic file of this matter on CaseLines. As a courtesy gesture, it will be emailed to the parties/their legal representatives.

For the applicant:	Adv. M. Boonzaaier
Instructed by:	Willie Jordaan Attorneys
For the first respondent:	Adv. E. van As
Instructed by:	Johan Victor Attorneys
Date of the hearing:	30 October 2024
Date of judgment:	31 October 2024