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IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

CASE NO: 2024/098805

1. Reportable:
2. Of interest to other judges:
3. Revised:
10 September 2024
_____ SIGNATURE

In the matter between:

TEXTON PROPERTY FUND LIMITED
Registration Number: 2005/019302/06

Applicant

and

MAXINE GUNZENHAUSER AND COMPANY
INCORPORATED T/A MG LAW
Registration Number: 2019/575014/21

1st Respondent

MAXINE GUNZENHAUSER
Identity Number: 9[...]

2nd Respondent

1THE UNLAWFUL OCCUPIER(S) OF THE GROUND

3rd Respondent

**FLOOR, OFFICE GF-01 AND GF-02, BLOCK B,
1[...] K[...] STREET, SANDTON, 2031**

JUDGMENT

WRIGHT J

1. The applicant seeks urgently to evict the respondents from commercial premises. The applicant says that the lease has come to an end.
2. There is an allegation, somewhat vague, that the matter is urgent because the commercial property is valuable and an existing tenant could take over the premises now occupied by the first respondent.
3. The answering affidavit shows that the parties have been at loggerheads for some time. There are allegations that despite what was promised by the applicant there is insufficient security at the premises, leading to break-ins at the respondents' premises. There is an allegation of fraudulent charging for electricity.
4. Urgency is denied. The answering affidavit says that the first respondent attempted to resolve problems amicably six months ago and that the alleged new tenant has no agreement with the applicant to hire the premises now occupied by the first respondent. The allegation here for the first respondent is that, contrary to what the applicant says, the proposed new tenant is not expanding into the first respondent's premises but intends to move from its present premises to the first respondent's premises.
5. In paragraph 23.3 of the heads of argument for the applicant it is submitted that the proposed new tenant, already in the building for some time, "is interested in taking up the property."

6. A belated attempt to show real urgency by relying on an email dated yesterday, 9 September 2024 by the proposed tenant, indicates nothing more than an interest, subject, at a minimum, to an inspection yet to happen.

7. In my view there is no shown urgency.

ORDER

1. The matter is struck off the roll with the applicant to pay the first and second respondents' costs, including those of an application by the first and second respondents to supplement their papers.

2. Costs are to be on Scale A. -

GC Wright
Judge of the High Court
Gauteng Division, Johannesburg

HEARD :10 September 2024

DELIVERED :10 September 2024

APPEARANCES:

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