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IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

CASE NO: 2022/23339

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

SIGNATURE

In the matter between:

P[...] M[...] OBO MINOR M[...] D[...] M[...]

Applicant

and

MRS NOMANTU NKOMO-RALEHOKO (MEC)

1st Respondent

MEC FOR HEALTH GP DEPARTMENT OF HEALTH

2nd Respondent

MR MHAWUKELWA KHOZA, LEGAL OFFICER (MEC)

3rd Respondent

PREMIER OF GAUTENG PROVINCIAL GOVERNMENT

4th Respondent

MINISTER OF POLICE

5th Respondent

NATIONAL COMMISSIONER OF THE SOUTH AFRICAN

6th Respondent

THE STATE ATTORNEY JOHANNESBURG

7th Respondent

JUDGMENT

WRIGHT J

1. In this action against the MEC for Health, the merits have been conceded.
2. The plaintiff seeks now urgently to hold the MEC in contempt of an earlier court order and that she be sentenced to 2 years' jail.
3. The earlier order relates to trial readiness.
4. The nub of the present dispute today is that the defendant did not deliver expert reports by 20 August 2024.
5. Also sought is an order that an interim payment of R13 000 000 be made urgently.
6. Related relief is sought.
7. The opposition includes an application by the MEC, seeking condonation for failing to adhere to the court order that the MEC take certain steps regarding preparation for trial on 2 March 2026. That application is in the pipeline.

8. The plaintiff's attorney, it is common cause, has set the trial down for hearing on that date.

9. On 23 March 2024, the defendant wrote to the plaintiff's attorney, requesting that the threatened urgent application be held back as the defendant needed funds to secure the reports of experts.

10. Despite the request, the present urgent application was launched on 29 August 2024.

11. This case, like many others is awaiting trial a long time in the future. Much needs to be done between now and trial to get the matter trial ready.

12. In my view, it would be unwise to hear the present application when there is, in the pipeline, an application by the present respondent/defendant, seeking condonation.

13. In my view, there is no urgency in the matter.

ORDER

1. The application is removed, costs reserved -

GC Wright
Judge of the High Court
Gauteng Division, Johannesburg

HEARD :10 September 2024

DELIVERED :10 September 2024

APPEARANCES:

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