



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

- (1) REPORTABLE: Yes ☐ / No ☒
(2) OF INTEREST TO OTHER JUDGES: Yes ☐ / No ☒
(3) REVISED: Yes ☒ / No ☐

Date: 17 October 2024

WJ du Plessis

Case no 21/19942

In the matter between:

LIBERTY HOLDINGS

First Applicant

and

RAKOKWANE MALOKA

First Respondent

STANDARD BANK OF SOUTH AFRICA

Second Respondent

And in the matter between:

THE STANDARD BANK OF SOUTH AFRICA LIMITED

Applicant

And

RAKOKWANE MALOKA

Respondent

And in the matter of:

LIBERTY HOLDINGS

First applicant

STANDARD BANK OF SOUTH AFRICA

Second applicant

And

RAKOKWANE MALOKA

Respondent

Coram: Du Plessis AJ

Heard on: 16 August 2024

Decided on: 17 October 2024, variation 8 November 2024

This judgment has been delivered by uploading it to the CaseLines digital database of the Gauteng Division of the High Court of South Africa, Johannesburg, and by e-mail to the attorneys of record of the parties. The deemed date and time of the delivery is 10H00 on 17 October 2024.

JUDGMENT: VARIATION OF ORDER in terms of RULE 42(1)(b)

DU PLESSIS AJ

[1] This is a variation of the order this court granted on 17 October 2024 to correct a patent error or omission in the judgment handed down.

[2] In paragraph 32 of the judgment, I found:

Thus, I am satisfied that the applicants made out a case in terms of Rule 47(4), and I am satisfied that this is an instance where the main application should be dismissed.

[3] This was not reflected in the order. In other words, the order did not reflect the court's intention as expressed in the judgment. The intention of the court is ascertainable from the sentence. Upon reading the judgment as a whole, together with the order, it is clear that there is an omission in the order itself that can be corrected *mero motu*. Such a variation to clarify the order¹ does not alter the substance of the judgment² and thus may be corrected in terms of Rule 42(1)(b).

¹ *Thompson v South African Broadcasting Corporation* 2001 (3) SA 746 (SCA) at 748 – 9.

² *S v Wells* 1990 (1) SA 816 (A) 820C-F, *Seattle v Protea Assurance Co Ltd* 1984 (2) SA 537 (C).

Order

[4] The following order is made:

1. The main application is dismissed.
2. The respondent, Rakokwane Maloka, is declared a vexatious litigant as contemplated in section 2(b) of the Vexatious Proceedings Act 3 of 1956.
3. The respondent shall not institute any legal proceedings against any person in any court without the leave of this Court or any judge of this Court. Such leave shall not be granted unless the Court or the Judge is satisfied that the proceedings the respondent wishes to institute are not an abuse of the process of the Court and that there is a *prima facie* ground for the intended proceedings.
4. The respondent is to pay the costs of the application on scale C.



WJ du Plessis
Acting Judge of the High Court

For the Applicants:

R Itzkin and Z Manentsa instructed by
SGV Inc and Jason Michael Smith Inc

For the Respondents:

Self-represented