



**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)**

Case No. **2025-011702**

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



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5 February 2025

In the matter between:

ROYAL AM FOOTBALL CLUB (PTY) LTD

and

JACO VENTER N.O

(In his capacity as *curator bonis* of the applicant)

THE COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICES

THE NATIONAL SOCCER LEAGUE

Summary: Urgent Application -Uniform Rule of Court 6(12) -Applicants should set forth explicitly the reasons why the matter should be treated urgent-self - created / subjective perceived urgency does not entitle the applicants to urgent relief-

application struck from the roll for lack of urgency. The Sanctity of the Urgent Court has to be preserved for matters that are deservingly, lest the Urgent Court would be flooded with matters that are undeserving, self-created /subjective orientated urgency.

JUDGMENT- *EX TEMPORE*

YENDE AJ

[1] The Court continues to give its *ex-tempore* judgment in this matter.

[2] Summary. An application is brought in terms of Rule of Court, Rule 6(1), the applicant should set forth explicitly the reasons why the matter is urgent. Self – created urgency does not entitle the applicants to urgent relief. Application struck from the roll for lack of urgency. The Sanctity of the Urgent Court has to be preserved for matters that are deservingly, lest the Urgent Court would be flooded with matters that are undeserving self-created therefore subjectively orientated urgency.

[3] This Court has consistently refused urgent applications in cases where the urgency relied-upon was subjective urgency, clearly self-created. Consistency is important in this context, as it informs the public and legal practitioners that rules of Court and Practice Directives can only be ignored at a litigant's peril. Legal certainty is one of the cornerstones of a legal system based on the Rule of Law.

[4] The test for urgency was eloquently formulated in *East Rock Trading (PTY) Ltd and Another v Eagle Valley Granite and Another's*¹ where Justice Notshe AJ held that “There import thereof is that the procedure set out in Rule 6(12) is not for taking. An applicant has to set forth explicitly the circumstances which he avers

¹ (11/33767) [2011] ZAGPJHC 196 at par 6.

render the matter urgent. More importantly, the applicant must state the reasons why he claims that he cannot be afforded substantial redress at a hearing in due course”.

[10] For all of these reasons and submissions advanced by the applicant together with the respondent’s counsel, I am not convinced that the applicant has overcome the threshold prescribed in Rule 6(12) and I am of the firm view that the application ought to be struck from the roll for lack of urgency.

[11] The application therefore falls to be struck from the roll and the costs should follow the suit.

Order

Accordingly, I make the following order: -

- (1) The applicant’s urgent application be and is hereby struck from the roll for lack of urgency.
- (2) The applicant shall pay the First and Second Respondent’s costs for the urgent application including the costs of two counsel wherein employed on scale C.
- (3) No cost to the Third Respondent as it has no issue with the costs.



J YENDE

ACTING JUDGE OF THE HIGH COURT

GAUTENG DIVISION, PRETORIA

*This judgment was prepared by **YENDE AJ**. It is handed down electronically by circulation to the parties/their legal representatives by e-mail and uploaded on Caselines electronic platform and by publication of the judgment to the South African Legal Information Institute. The date for hand-down is deemed **5 February 2025**.*

Appearances:

Advocate(s) for Applicant: **R. MASTENBROEK SC**
Appearing with: **B. BRAUN**

Instructed by: **DBP ATTORNEYS INC**

Advocate(s) for First Respondent(s): **E. COETZEE SC**
Appearing with: **D. D. SWART**

Instructed by: **VZLR ATTORNEYS**

Advocate for Second Respondent: **C. NAUDE SC**

Instructed by: **MACROBERTS ATTORNEYS**

Advocate(s) for Third Respondent: **A. FRANKLIN SC**
Appearing with: **M. DE BEER**

Instructed by: **WEBBER WENZEL ATTORNEYS**

Heard: 5 February 2025

Delivered: 5 February 2025