



**IN THE HIGH COURT OF SOUTH AFRICA,
FREE STATE DIVISION, BLOEMFONTEIN**

Reportable:	NO
Of Interest to other Judges:	NO
Circulate to Magistrates:	NO

CASE NO: 2237/2023

In the matter between:

MALUTI-A-PHOFUNG LOCAL MUNICIPALITY

Applicant

And

KILL CRIME SECURITY SERVICE (PTY) LTD

1st Respondent

FIRST NATIONAL BANK OF SOUTH AFRICA LTD

2nd Respondent

SHERIFF OF PHUTHADITJHABA HIGH COURT

3rd Respondent

AMEDED ORDER

JUDGMENT BY: MHLAMBI, J

DELIVERED ON: 06 FEBRUARY 2025

[1] On 30 January 2025, I granted an order in paragraph 1 which reads as follows:

"The default judgment granted by the Registrar of this Court on 15 March 2024 in the amount of R27 000.00 is rescinded." The amount of R 27 000.00 is a typing error and the particular paragraph in the order should read as follows:

"The default judgment granted by the Registrar of this Court on 15 March 2024 in the amount of R27 000 000.00 is rescinded."

[2] This variation is done in terms of Rule 42(1)(b) of the Uniform Rules of Court.

[3] The varied order should read as follows:

ORDER:

1. The default judgment granted by the Registrar of this Court on 15 March 2024 in the amount of R27 000 000.00 is rescinded.
2. The service level agreements:
 - 2.1 entered into and concluded between the Applicant and the First Respondent on or about 11 August 2020;
 - 2.2. entered into and concluded between the Applicant and the First Respondent on or about 8 December 2022; and
 - 2.3. the acknowledgment of debt entered into and concluded between the Applicant and the First Respondent on or about 20 February 2023, are declared constitutionally invalid.
3. Leave is granted to the Applicant to file and deliver its notice of intention to oppose the relief applied for by the First Respondent [as Plaintiff] in the matter under case no. 2237/2023, within a period of 5 days.
4. The First respondent is ordered to pay costs of this application (Part A and Part B) on the scale as between party and party (Scale C) including the costs of employing senior counsel.


MHLAMBI, J

On behalf of Applicant: Adv. FW Botes SC

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On behalf of the Respondent: Adv. LR Bomela

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