



**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**

JUDGMENT

Not Reportable

Case no: 2025-112215

In the matter between:

MARIUS XAVIERUS COETZEE

First Applicant

**THE CONGREGATION OF THE DUTCH
REFORMED CHURCH KARATARA-SEDGEFIELD**

Second Applicant

**THE CHURCH COUNCIL OF THE CONGREGATION
OF THE DUTCH REFORMED CHURCH
KARATARA-SEDGEFIELD**

Third Applicant

and

**THE KNYSNA PRESBYTERY OF THE DUTCH
REFORMED CHURCH**

First Respondent

**THE DISCIPLINARY BODY
OF THE PRESBYTERY OF KNYSNA**

Second Respondent

**THE KNYSNA PRESBYTERY OF THE DUTCH
REFORMED CHURCH**

Third Respondent

**THE KNYSNA PRESBYTERY OF THE DUTCH
REFORMED CHURCH**

Fourth Respondent

**THE KNYSNA PRESBYTERY OF THE DUTCH
REFORMED CHURCH**

Fifth Respondent

**THE KNYSNA PRESBYTERY OF THE DUTCH
REFORMED CHURCH**

Sixth Respondent

**THE KNYSNA PRESBYTERY OF THE DUTCH
REFORMED CHURCH**

Seventh Respondent

Neutral citation: *Coetzee and Others v The Knysna Presbytery of the Dutch Reformed Church and Others* (Case no 2025-112215) [2025] ZAWCHC 390(27-08-2025)

Coram: NUKU J

Heard: 5 August 2025

Order made on: 5 August 2025

Reasons Delivered on: 27 August 2025

Summary: Practice and Procedure – Rule 6(12) of the Uniform Rules of Court - Urgent application – delay in initiating legal proceedings leading to self-created urgency – case for urgency not established – application struck off the roll.

REASONS

Nuku J

[1] This matter came before me in the urgent court on 5 August 2025, when I struck it off the roll with costs and informed the parties' legal representatives that the reasons would follow. I now set out the reasons below.

[2] The papers in this application were issued on 11 July 2025 and served on the respondents on 16 July 2025. The respondents opposing the application filed their notice of opposition on 18 July 2025. It is not clear when the respondents submitted their answering papers, however, the answering affidavit is dated 21 July 2025.

[3] The applicants submitted their response on 29 July 2025. A supplementary affidavit was subsequently filed on 31 July 2025. When the case was presented to me, the papers exceeded 300 pages, excluding the documents in the main application, which totalled approximately 226 pages. In addition to these documents, there was a bundle of more than 150 pages containing translations of some annexures from Afrikaans to English.

[4] Despite the number of papers mentioned above, the practice note filed for the applicants suggested that the hearing was unlikely to exceed the half-day limit outlined in practice note 20.4.

[5] The first applicant is an ordained minister currently employed by the first respondent. The second applicant comprises members of the church congregation that the applicant had been serving, while the third applicant is the governing council overseeing the second applicant.

[6] In this application, the applicants seek an order to suspend what they term 'the first respondent's delegitimisation' as an ordained minister in the Dutch Reformed Church (the Church) and, where necessary, to lift the suspension imposed by the second respondent. This is to enable the first applicant to practise his vocation as a

minister in the Church, pending the final determination of the review application brought by the first applicant before this Court under case number 109951/2025.

[7] The last decision the first applicant seeks to review and set aside was made on 27 December 2024 by the General Synod Body for appeal of the Dutch Reformed Church, the seventh respondent in these proceedings. In terms of that decision, the first applicant's appeal was dismissed, and a sanction of permanent delegitimation of the first applicant was confirmed.

[8] The consequence of permanent delegitimation is that a minister may be barred from serving as a minister in any church within the Church. There was an approximately six-month period before the seventh respondent's decision was implemented. During that time, the first applicant continued serving the second respondent as a minister.

[9] This application was prompted by the implementation of the decision made by the seventh respondent on 27 June 2025, when the first applicant's permanent delegitimation was announced in the Church's internal publication called "Kerkbode".

[10] The applicants address urgency in paragraphs 57 to 65 of the founding affidavit, and the total of the averments in support of urgency is that:

10.1 The first applicant has been unable to practise his vocation as an ordained minister of the church since 27 June 2025, leaving the second applicant without a minister and spiritual leader at a time when it cannot afford to employ another minister while keeping the first applicant in its employ.

10.2 The applicants will not be able to defy the first applicant's delegitimation without a court order, despite their view that the decisions leading to the delegitimation were procedurally and substantively flawed;

10.3 Absent this Court's intervention would force the second and third applicants to terminate the first applicant's employment and appoint another minister. This would cause the first applicant to lose his livelihood

and the second and third applicants to lose a minister whose services they have been satisfied with for the past seventeen years.

[11] There was a series of correspondence between various parties from 27 December 2024 until the launch of this application. This correspondence includes notifications to the second and third respondents dated 11 and 10 March 2025, respectively, indicating that the first applicant had exhausted the internal appeal processes. Additionally, on 17 March 2025, the first applicant was advised that he had exhausted his internal remedies.

[12] On 13 June 2025, the applicants' attorneys wrote to the Church, requesting that the first applicant be allowed to continue practising as a minister pending the review he intended to initiate of the decisions that led to his de-legitimisation. This was despite it being made clear to the applicants, as mentioned above, that the first applicant's internal appeal processes had been exhausted.

[13] Having known of the decision delegitimising him since 27 December 2024, regarding his fate, the first applicant waited for the implementation of that decision at his own peril. He had ample opportunity to institute an application to seek the suspension of his delegitimisation, which has been looming since 27 December 2024.

[14] The applicants do not justify why they delayed instituting these proceedings after being informed in March 2025 that the internal appeal processes had been exhausted. Their delay creates the urgency, and they cannot rely on the urgency they themselves caused.

[15] The allegations made by the applicants in support of urgency are substantially inadequate to satisfy the requirements established by the rules for someone seeking the privilege of skipping the queue. The hearing of a matter on the urgent roll is not simply there for asking; it requires justification with substantial grounds. The

applicants failed to do so, and for these reasons, the application was struck off the roll with costs.

L G NUKU
JUDGE OF THE HIGH COURT

Appearances

For applicants:	H Loots SC
Instructed by:	HJ Van Rensburg Attorneys Inc, Vanderbijlpark
Care of:	De Klerk Attorneys, Bellville
For respondents:	H Jacobs
Instructed by:	Willem Jacobs & Associates, Somerset West
Care of:	Harmse Kriel Attorneys, Cape Town