



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

Case No: 2025-096871

In the matter between:

SHIKOMBISO MABUNDA

Applicant

and

CAPE PENINSULA UNIVERSITY OF TECHNOLOGY

Respondent

Coram: LEKHULENI JD

Heard: 29 July 2025

Delivered: Electronically on 1 September 2025

JUDGMENT

LEKHULENI J:

Introduction

[1] This is an application in which the applicant seeks an order directing the respondent to award her a BTech qualification, based on a 64% mark awarded to her

after a reassessment test, alternatively, that the said degree be awarded to her based on the Recognition of Prior Learning. The applicant also seeks an order that this Court declare all reassessments conducted by the respondent without a proper legal basis to be unlawful and invalid and issue formal acknowledgement of the administrative failures in the applicant's matter.

[2] The applicant also prays for an order declaring that the respondent has violated her right to dignity in terms of section 10 of the Constitution, as well as her right to choose and practice her profession freely in terms of section 22 of the Constitution. In addition, the applicant seeks a structural interdict that the respondent be required to conduct a review of its policies and procedures regarding academic records, Recognition of Prior Learning, and assessments, and submit a compliance report to this Court within 60 days of the court order.

Background Facts

[3] The applicant is an adult female residing in, Sunninghill, Gauteng Province, South Africa. The applicant is employed as a Geographic Information Systems (GIS) Technician at Rand Water, where she uses GIS tools for infrastructure planning and management. She holds a National Diploma in Environmental Management and a National Diploma in GISc and Cartography. The applicant is registered as a GISc Technician with the South African Geomatics Council.

[4] The respondent is the Cape Peninsula University of Technology (CPUT), a public higher education institution established in terms of the Higher Education Act 101 of 1997 (the Higher Education Act), with its principal place of business located in Cape Town, Western Cape.

[5] In 2016, the applicant enrolled full-time at CPUT to pursue a BTech degree in Environmental Management. The applicant was registered for the following five subjects –

- 5.1 Geotechnology 4,
- 5.2 Environmental Management 4,

- 5.3 Environmental Resources 4,
- 5.4 Environmental Technology 4, and
- 5.5 Geohydrology 4.

[6] The applicant passed four courses. The only course she failed was Geohydrology 4. The applicant asserts that due to the 'Fees Must Fall' protests that took place in 2016, the final exams for that year were deferred to January 2017. She wrote the deferred exam in Geohydrology 4 in January 2017 and failed. On 17 February 2017, the applicant submitted a formal application for a re-mark of her exam script to the CPUT's Examinations and Graduation Centre. According to the applicant, her re-mark results were never released to her despite consistent follow-ups.

[7] To this end, the applicant states that she has email records dating back to 2019, which she has sent to the Dean and the Head of Department regarding the missing results. The applicant opines that the results were only disclosed to her via a Zoom meeting in August 2022. The meeting was attended by her, the Dean, and the lecturer. The Dean and the lecturer informed her that she had obtained a remark score of 64% and that, due to a low year mark, her results were reduced to 44%. They also told her that she needed a score of 80% to pass. The applicant asserts that she was never provided with the formal written outcome or confirmation of the re-marked results.

[8] In 2023, she was offered a reassessment. The applicant contends that she declined the sit-in exam because, she did not have access to the library, and no memos or prior assessment papers were provided. Furthermore, she was given short notice to write the exam. The applicant pointed out that the reassessment violated CPUT's own policy under Rule 6.18, which provides that reassessments must exclude the year mark and must occur within 30 days of the new academic cycle.

[9] According to the applicant, her reassessment occurred years later and included a consideration of a year mark. Furthermore, the examination was not set or approved with institutional Senate processes as required. She had no access to

CPUT libraries and was denied academic tools until December 2024. The applicant asserted that in terms of the CPUT rules, only registered students may attend lectures, write tests or assessments and submit assessments in any given subjects. According to the applicant, all the reassessments given to her between 2022 and 2024, were unlawful as she was not officially registered at that time.

[10] The applicant contended that CPUT's decision to deny her the BTech degree, despite the confirmed re-mark results of 64%, was unjust. This denial has significantly hindered her access to professional opportunities. The applicant asserted that the requirement to undertake a rewrite and the subsequent refusal by CPUT to award her the BTech degree were in direct violation of her constitutional rights as a student.

[11] She subsequently reported the matter to the Public Protector on 5 June 2023 for investigation. The Public Protector conducted a thorough investigation into the matter. According to the interim report provided by the Public Protector, which is included in the applicant's application, the applicant has asserted that her BTech degree should be conferred upon her without the necessity of a rewrite of any examination. The Public Protector stated that the applicant expressed the belief that the rewrite was scheduled to take place in 2017, a time when she still had a clear recollection of the relevant academic material.

[12] The Public Protector concluded that despite the delay by CPUT to issue the applicant's results to her (re-marking results), in terms of section 65B (c) and (d) of the Higher Education Act, CPUT is not allowed to confer a degree on a student who does not meet the standard of proficiency which is determined through assessment. Based on the evidence and information obtained during the investigation, the Public Protector concluded that the applicant had not attained the statutory required standard of proficiency through assessment to be conferred the BTech degree by CPUT.

[13] Additionally, the Public Protector found that the conduct of CPUT by requiring the applicant to sit for an assessment regarding the outstanding subject, was not unreasonable, but complied with the requirement of section 65B(c) and (d) of the

Higher Education Act and in the absence of which, CPUT was not allowed to confer the BTech degree to the applicant.

[14] Notwithstanding, the applicant respectfully requested this Court to grant the relief sought in the notice of motion, specifically that CPUT be directed to award her the BTech degree.

[15] The respondent served and filed a notice to oppose and uploaded it on Court Online and did not file the necessary answering affidavit in response to the applicant's application. For reasons that will become apparent below, there are valid reasons that ostensibly explain why the respondent did not file an answering affidavit within the designated timeframe. However, it is important to note that the respondent's version, though not in an affidavit format, is contained in the annexures and correspondences that form part of the applicant's application. I will carefully examine these documents, as they have been presented to this Court for consideration and they form part of the applicant's application.

[16] In her application, the applicant included a letter dated 19 April 2024, written by the Vice Chancellor and Principal of CPUT, addressed to the Public Protector regarding the ongoing impasse between the applicant and CPUT. In that letter, CPUT provided a detailed explanation of the reasons why the applicant was not awarded the BTech degree in question. The Vice Chancellor stated that the applicant was enrolled in a BTech degree program at CPUT in 2016. The Vice Chancellor noted that the program had four courses, one of which is Environmental Geohydrology 4. For all courses, students needed to obtain a final mark of 50% to pass the specific course. The final mark was comprised of a combination of class tests (year mark) and the final summative assessment (exam), according to predetermined weightings. The Vice Chancellor further stated that a student who achieved less than 50% for the final computed mark could qualify to write a reassessment of the exam. The reassessment mark is then used to calculate a new final mark, according to predetermined weightings.

[17] The Vice Chancellor pointed out that in 2016, the applicant achieved a final mark of 37.2% for Environmental Geohydrology 4. Importantly, a course's final mark

is composed of the marks from three class tests and one final summative assessment (exam). The applicant scored 29%, 18% and 55% on the three class tests and 42% on the exam. Since the class tests account for 20% (equivalent to 60% of the total weight of the final mark) and the exam accounts for 40%, the final mark amounted to 37.2%. The applicant was given the opportunity to do a reassessment of the exam.

[18] The Vice-Chancellor also stated that an overall mark of 37.2% did not ordinarily qualify a student for reassessment, but students in this case were given added consideration owing to the serious disruptions and closure experienced by the university due to the 'Fees Must Fall' protests. According to the Vice Chancellor, the applicant was not satisfied with the exam mark awarded after reassessment and requested a re-mark. The re-mark gave the applicant a mark of 58% for the exam. When this is combined with the class tests, the applicant would have attained a new overall mark of 43,6%. She would still have failed the subject. However, since this was her last outstanding course, the applicant was given yet another opportunity to be reassessed in accordance with the University's assessment rules.

[19] The Vice Chancellor also explained various options that were made to accommodate the applicant. Among others, the applicant was offered a reassessment in January 2023 on work completed in 2016, after it was approved by the University Senate. Instead, the applicant complained about what she felt was bias against her by the head of the department. She also requested an open-book test or assignment instead of a sit-down exam but was informed that she had to take the reassessment exam. Despite rearranging the date for the reassessment to 30 January 2023 for the sake of the applicant, the Vice Chancellor stated that the applicant did not turn up for it.

[20] The Vice Chancellor notes that, to assist the applicant further, CPUT explored the option of granting the applicant an exemption for the outstanding subject via Recognition of Prior Learning, which would be based on whether her work experience and other qualifications met the required outcome of the outstanding course subject. The applicant submitted her CV and other required information on 22 June 2023, and an assessment revealed that her experience and other qualifications

were insufficient to meet the subject outcomes. This was communicated to her and to the lead investigator of the Public Protector, who handled the applicant's complaint.

[21] Subsequent thereto, an alternative option was provided to the applicant in the form of a written project assessment that she could complete from home. This was designed as a substitute for the sit-down exam that was initially planned for reassessment. In addition, in response to the applicant's request, the project was set by a lecturer external to CPUT. The project topic was sent to the applicant on 15 July 2023, with a submission due date of 4 August 2023. According to the Vice Chancellor, during this period, the applicant was also sent notes for the subject and informed that she could ask for assistance from the lecturers.

[22] The Vice Chancellor explained that the applicant submitted her assignment on 4 August 2023. It was assessed by an external lecturer and an external moderator, who both gave her failing marks of 29% and 23%, respectively. The applicant was given another opportunity to resubmit the project, which was due on 28 August 2023, but refused to do so, despite receiving detailed written feedback for guidance. The Vice Chancellor also mentioned that the applicant was allowed to view the actual marked script, but she made no attempts of obtaining the script. The Vice Chancellor asserted that CPUT provided the applicant with numerous opportunities and support from the latter half of 2022 through to August 2023, when the applicant declined to participate further in the process. According to him, the University remains open to the applicant resubmitting her project for exam purposes.

[23] The timeline of events provided by the Vice Chancellor aligns with the applicant's explanation. However, the only difference is that the applicant argues that she should be awarded her degree because she achieved a score of 64% during her reassessment. She contends that, according to the examination rules at CPUT, her year mark should not have been considered during the reassessment process.

Applicable legal principles and discussion

[24] As discussed above, the applicant seeks an order that this Court direct CPUT to award her the BTech qualification based on the alleged 64% marks she obtained after she was reassessed, or on the Recognition of Prior Learning. The applicant also seeks an order declaring that all reassessments conducted by CPUT without a proper legal basis are unlawful, invalid, and of no force and effect.

[25] The respondent's attorneys served the applicant with a notice to oppose and requested that the applicant provide them with access to the court's online platform to upload their notice to oppose. At the hearing of this matter, the applicant presented the court with an email from the respondent's attorney, which referred to the service of the notice to oppose upon the applicant. The respondent's attorneys successfully uploaded the notice of opposition on Court Online.

[26] I pause to mention that the applicant appeared in person at the hearing of this application. However, from reading the applicant's Notice of Motion and founding affidavit, it appears to me that the applicant was assisted in drafting the application by someone with a background in law.

[27] As explained above, during the hearing, the applicant presented to the court an email correspondence from the respondent's attorneys, attaching a notice to oppose. In that email correspondence, the respondent's attorney also requested that the applicant indicate whether she was amenable to accepting service of all subsequent notices and pleadings in this matter via email. If not, the applicant was requested to provide them with a physical address within 25 kilometres of the court, where the applicant would accept service of all documents in terms of Rule 6(5)(b)(i) of the Uniform Rules of Court.

[28] The applicant rejected the respondent's notice of opposition, asserting that the respondent had ample time to submit such a notice within the specified timeframe. Furthermore, the applicant asserted that the respondent provided no explanation and did not file any application for condonation for their late filing of the notice of opposition.

[29] The applicant's application is marred by several inherent irregularities, which I turn to consider before addressing this application on its merits. This matter appeared before this Court in the urgent court. No urgency whatsoever was pleaded in the applicant's affidavit. I must mention that Rule 6(12) of the Uniform Rules of Court confers courts with a wide discretion to decide whether an application justifies enrolment on the urgent court roll based on the facts and circumstances of each case. (*Mogalakwena Local Municipality v Provincial Executive Council, Limpopo* [2014] 4 All 67 (GP) at para 63; *Caledon Street Restaurants CC v D'Aviera* 1998 JDR 0116 (SE) at 8.)

[30] A perusal of the applicant's Notice of Motion and founding affidavit will show that she failed to comply with the provisions of Rule 6 (12) in that she failed to set out the circumstances which render this matter urgent, nor did she set out why she could not obtain relief if the matter was heard in the normal course. On this ground alone, the matter stands to be struck from the roll. It is peremptory that an applicant set out explicitly the circumstances on which she relies to render the matter urgent, and the reason why she claims that she cannot be afforded substantial relief at a hearing in due course. In other words, an application is urgent when an applicant cannot obtain substantial redress in due course. (*Dlamini v City Manager of the City of Ekurhuleni Metropolitan Municipality* [2023] ZAGPJHC 147 para 27).

[31] The timeline of events outlined above clearly indicates that this application is not urgent. The dispute between the applicant and the respondent commenced in 2016 and persisted until 2024. The applicant did not institute any proceedings since that time and only instituted the application in July 2025. There is no explanation in the affidavit as to why the applicant would not be afforded substantial redress in due course. In my view, this matter is not urgent and should be struck from the roll on that score alone.

[32] Moreover, it is important to note that the application, inclusive of the applicant's founding affidavit and annexures, was served upon the respondent on 2 July 2025 by the Sheriff. In the Notice of Motion, the applicant directed the respondent to file and serve its notice of intention to oppose on or before 14 July 2025. According to the calculations of days based on the rules, the applicant gave

the respondent eight (8) days to file a notice of opposition after the respondent was served with the application. To this end, the applicant's application does not comply with Rule 6(5)(b)(iii) of the Rules of Court, which provides:

'In a notice of motion the applicant shall set forth a day, not less than 10 days after service thereof on the respondent, on or before which such respondent is required to notify the applicant, in writing, whether respondent intends to oppose such application, and shall further state that if no such notification is given the application will be set down for hearing on a stated day, not being less than 10 days after service on the said respondent of the said notice'. (my underlining)

[33] It must be stressed that the days envisaged in Rule 6(5)(b)(i) are court days and must be calculated in terms of the definition of 'court days' in Rule 1. According to Rule 1, a court day means a day that is not a public holiday, Saturday or Sunday, and only court days shall be included in the computation of any time expressed in days prescribed by the rules or fixed by any order of court. I am mindful that in terms of Rule 27(3), a failure to allow for the *dies* prescribed by the rules may be condoned. No formal application for condonation has been made in this matter. However, the applicant persists in her application for declaratory relief and a directory interdict. I am of the view that it is not in the interest of justice to condone this non-compliance as it will be apparent herein below.

[34] The applicant did not give her service address within 25 Kilometres of the office of the registrar. The applicant gave her Johannesburg address as her service address. She was requested to provide a service address within 25 Kilometres of the registrar's office by the respondent's attorney to enable them to serve her with opposing papers and she refused. Rule 6(5)(b)(i) provides that 'in a notice of motion the applicant shall appoint an address within 25 kilometres of the office of the registrar and an electronic mail address, if available to the applicant, at either of which addresses the applicant will accept notice and service of all documents in such proceedings.'

[35] There are significant reasons for the stipulation in Rule 6(5)(b)(i) that requires an applicant or their legal representatives to provide an address within the specified radius. This address serves a crucial function, as it allows the respondent to serve documents or opposing affidavits related to the dispute between the parties effectively. Moreover, the address envisaged in Rule 6(5)(b)(i) is intended to enable the respondent to ascertain the location of the applicant, thereby facilitating communication and advancing the resolution of the matter between the parties. In addition, an address envisaged in Rule 6(5)(b)(i) is intended to make the respondent know where to find the applicant, if they want to discuss possible settlement.

[36] In other words, Rule 6(5)(b)(i) aims to bring the applicant and the respondent, or their attorneys, together at the earliest possible moment in the litigation. The rule is also intended to enable the parties, particularly the respondent, to have immediate access to the applicant, the applicant's attorney or the latter's correspondent in dealing with the matter, either in filing opposing papers or negotiating a settlement. An address beyond this radius would frustrate its intended objective.

[37] In the present matter, the respondent intended to oppose the applicant's application and to serve the necessary affidavits to oppose the applicant's application. The notice to oppose was served upon the applicant and filed on the Court Online portal. The applicant failed to give an address within 25 kilometres of the office of the Registrar despite being requested to do so. The respondent also refused a request to accept service by email.

[38] I am cognisant that the applicant is appearing in person however, this irregularity, in my view, vitiates the applicant's application. Furthermore, the applicant's notice of motion should have given the respondent at least 10 court days to file its notice to oppose and 15 court days thereafter to file its answering affidavit. Instead, the respondent was given 8 days to file its notice to oppose and 10 days to file its answering affidavit. This, in my view, offends Rule 6(5) of the Uniform Rules.

[39] The applicant is seeking extraordinary remedies. In an application of this nature, mindful of the right of access to courts entrenched in our Constitution, I believe that the respondent must be properly notified of the application and be given

time in terms of the rules so that all issues can be properly ventilated. Considering the deficiencies identified in this application, I believe it must be struck from the roll for non-compliance with the court rules.

[40] Although the respondent was not afforded a proper opportunity to place the reasons for its opposition before the court, some of the grounds were foreshadowed in the applicant's papers by way of annexures attached to the founding papers. This is dealt with below. Furthermore, the applicant's case was inherently problematic and characterised by material errors of law. It was devoid of merit. Section 65B of the Higher Education Act delineates the standard governing the awarding of degrees, diplomas, and certificates by institutions of higher education. This section is binding on the respondent.

[41] For completeness, section 65B of the Higher Education Act provides:

‘(1) A public higher education institution may, subject to its institutional statute and this Act, award diplomas and certificates and confer degrees.

(2) Save as provided in section 65C, no diploma or certificate may be awarded, and no degree may be conferred by a public higher education institution upon any person who has not –

(a) been registered as a student of such public higher education institution for the period prescribed by the Senate of such institution; And

(b) completed the work and attained the standard of proficiency determined through assessment as required by the Senate of the public higher education institution.’

[42] This section makes it abundantly clear that the respondent, as a public higher education institution may only confer a degree on a person who has been registered as a student of such public higher education institution for the period prescribed by the Senate of such institution and who has completed the work and attained the standard of proficiency determined through assessment as required by the Senate of the public higher education institution.

[43] Simply put, the applicant can be awarded the BTech degree if she meets the standard of proficiency, which is determined through assessment. I am mindful that the respondent did not file its answering papers; however, from the applicant's own application and annexures, CPUT has explained why the applicant was not conferred with her BTech degree.

[44] Significantly, CPUT is an organ of State in terms of section 239(b)(ii) of the Constitution, read with section 65B (1) of the Higher Education Act. The applicant seeks a mandatory interdict against the respondent to be awarded a BTech degree. This remedy, in my view, encroaches on the separation of powers doctrine. I am cognisant that this Court is vested with the inherent power to review any procedural irregularities committed by organs of state, including the respondent, in terms of Promotion of Administrative Justice Act 3 of 2000 (PAJA), where there is a violation of rights.

[45] It is, however, an established principle of our law that where a public authority has a discretion in a matter, a directory interdict will only extend to directing the functionary to comply with its duty of deciding the matter properly. Our Courts have repeatedly laid down that they do not want to usurp the powers of the authorities to whom the legislation has vested the powers to decide one way or the other. *Bato Star Fishing (Pty) Ltd v Minister of Environmental Affairs and Others* 2004 (7) BCLR 687 para 46. To do otherwise, would constitute an unwarranted usurpation of the powers entrusted to the public authorities by the relevant statute. (*University of the Western Cape and Others v Member of Executive Committee for Health and Social Services and Others* 1998 (3) SA 124 (C) at 130H-J.

[46] In the ordinary course, the Courts are inclined to remit the matter back, because the Court is slow to assume a discretion which has, by statute, been entrusted to another functionary or repository of power. The administrative review context of section 8(1) of PAJA and the wording under section (1)(c)(ii)(aa) make it perspicuous that substitution remains an extraordinary remedy. Remittal is still almost always the prudent and proper course. It is only in exceptional cases that this principle will be departed from. In effect, even where there are exceptional circumstances, a court must be satisfied that it would be just and equitable to grant

an order of substitution. (*Trencon Construction (Pty) Ltd v Industrial Development Corporation of South Africa Limited and another* 2015 (5) SA 245 (CC) para 32).

[47] Furthermore, even if there are exceptional circumstances, substitution can only be ordered if it will be just and equitable. This requires considering the fairness of substitution to all the parties involved. As to what is fair depends on the circumstances of each case. In *Louw and Others v Nel* 2011 (2) 171 (SCA) para 31, the court stated that there is no rule of universal application as to what is fair. The fairness envisaged is fairness to both sides. The matter can never be conclusively determined until all the facts of a particular case are known.

[48] In the present matter, the applicant seeks declaratory relief in terms whereof she essentially asks this court to usurp the functions of the respondent and to award her the BTech degree. This relief is fundamentally flawed as the applicant has failed to ask for the review and setting aside of the decision of the respondent which held that she failed to qualify for the award of the degree. The decision of CPUT that she failed to qualify for the award of the degree remains effectual until properly set aside on review. (*Member of the Executive Council for Health, Eastern Cape and Another v Kirkland Investments (Pty) Ltd t/a Eye and Lazer Institute* 2014 (3) SA 481 (CC) paras 90 to 92; *Oudekraal Estates (Pty) Ltd v City of Cape Town* 2004 (6) SA 222 (SCA)). Therefore, the court cannot simply grant the declaratory relief.

[49] From the documents filed, the applicant has been given six opportunities for reassessment. Despite failing her written project assessment, which she was allowed to complete from home, the applicant was allowed to resubmit her assessment following the notes or details given for guidance. As foreshadowed above, the Vice Chancellor indicated in her correspondence that the University provided the applicant with numerous opportunities and support from the latter half of 2022 through to August 2023, when the applicant refused to take any further part in the process.

[50] Additionally, from the documents filed, CPUT indicated that it remained open to the applicant to resubmit her project, for exam purposes. The Vice Chancellor

mentioned that if the applicant passes the outstanding subject, she can still obtain the BTech based on the 2023 assessment.

[51] Considering the information presented above, it is evident that after conveying the re-mark results in August 2022, CPUT took the necessary remedial steps, including setting a rewrite and reassessment assignment for the applicant. To this end, I agree with the views expressed by the Public Protector that the applicant's preliminary result for the assignment was not satisfactory and, as a result, she did not attain the required standard of proficiency determined through assessment to be conferred on the BTech qualification as envisaged in section 65B. Simply, the applicant can only be awarded the BTech qualification if she attains the required pass mark for Environmental Geohydrology 4.

[52] In my opinion, it cannot be said that CPUT's conduct, by requiring the applicant to sit for an assessment regarding the outstanding subject, was unreasonable. It was a requirement in terms of section 65B (2)(a) and(b) of the Higher Education Act. In the absence of such an assessment for proficiency, CPUT is not allowed to confer a BTech degree. Furthermore, this court does not have the full detail of the respondent's version other than the letters which were exchanged. In my view, fairness to all the parties concerned will not be achieved if this Court awards the BTech degree to the applicant in the absence of an adequate enquiry into all the relevant facts.

[53] This court, after all, is not an academic administrator; CPUT is better positioned to determine whether the degree should be conferred. The Supreme Court of Appeal has cautioned that judicial deference is particularly appropriate where the subject matter is technical or of a kind where the Court has not particular proficiency. (*Minister of Environmental Affairs and Tourism v Phambili Fisheries (Pty) Ltd* 2003 (6) 407 at para 53). The Constitutional Court has also confirmed that it is appropriate for a court to show respect to a decision that requires an equilibrium to be struck between a range of competing interests of considerations, and which is to be taken by a person or institution with specific expertise in that area. (*Bato Star Fishing (Pty) Limited v Minister of Environmental Affairs* 2004 (4) SA 490 (CC) para 48).

[54] Lastly, I have noted that the applicant prays for an order declaring that the respondent has violated her right to dignity in terms of section 10 of the Constitution, as well as her right to choose and practice her profession freely in terms of section 22 of the Constitution. The applicant also contended that it was impermissible for CPUT to consider the year mark in her reassessment exam as that conflicts with Rule 6.18 of the exam rules of CPUT which regards such assessment as standalone assessment with no year mark used. The applicant also impugned the Regulations and Rules of CPUT. In my opinion, it would be inappropriate to decide on these matters without conducting a thorough inquiry and hearing CPUT's perspective, particularly considering the procedural irregularities mentioned earlier.

Order

[55] In the result, the following order is granted.

55.1 The application is hereby struck off the roll.

55.2 In the event that the applicant elects to re-enrol or bring a fresh application, such re-enrolment and/or fresh application must be effectively served on the respondent who must be given adequate opportunity and time to oppose such application in terms of the Uniform Rules of Court.

55.3 No order is made as to costs.

LEKHULENI JD
JUDGE OF THE HIGH COURT

APPEARANCES:

For the applicant:

In person

For the respondent: None