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

CASE NO: 23339/2022

(1) REPORTABLE: NO

(2) OF INTEREST TO OTHER JUDGES: NO

(3) REVISED: NO

DATE 3/9/2025

SIGNATURE

In the matter between:

P[...] M[...] O.B.O. MINOR

Plaintiff

M[...] D[...] M[...]

and

THE MEC FOR HEALTH, GAUTENG

Defendant

This judgment was handed down electronically by circulation to the parties' representatives via e-mail, by being uploaded to CaseLines/Court online and by release to SAFLII. The date and time for hand- down is deemed to be 10h00 on ____ September 2025.

JUDGMENT (APPLICATION FOR LEAVE TO APPEAL)

TODD, AJ:

- [1] On 21 August 2025, this matter was enrolled for the hearing of an application for leave to appeal against the order that I made on 12 June 2024. I gave reasons for that order in a judgment handed down on 12 July 2024.
- [2] At the hearing on 21 August 2025, there was no appearance for the Applicant, whose attorney had sent an email with a medical certificate indicating that he was indisposed.
- [3] On that date I made an order postponing the matter, with directions to the parties to deliver written submissions in the application.
- [4] The Respondent duly delivered written submissions, but the Applicant declined to do so.
- [5] I have considered the papers filed of record in the application for leave to appeal.
- [6] The order which the Applicant seeks to appeal was an order striking the matter from the roll, awarding costs to be paid by the Applicant's attorney *de bonis propriis*, and ordering that the Applicant's attorney was precluded from charging any fees relating to the bringing of the urgent application.
- [7] Reasons for that order were set out in the written judgment handed down on 12 July 2024.
- [8] I have considered all the papers in the application and the written submissions of the Respondent. In my view the Applicant has no reasonable prospects of success on appeal, and it would not be in the interests of justice to grant leave to appeal.
- [9] The Applicant's legal representative, Mr Malatji, has persisted in the course of prosecuting the appeal with conduct completely inappropriate for a legal practitioner. He has, in my view, shown himself not to be a fit and proper person to conduct the practice of law. He has persisted with egregious

personal attacks against judges, including me, despite my having issued prior cautions to him in this regard – in paragraphs [42] to [45] of the judgment handed down on 12 July 2024.

[10] I direct the Registrar to send a copy of this judgment to the Legal Practice Council together with the judgment of 12 July 2024.

[11] Regarding costs, in my view these should again be paid by the attorney Mr Malatji *de bonis propriis*, for the same reasons as those set out in the judgment of 12 July 2024. I do not think that the costs of two counsel were warranted in this application for leave to appeal.

[12] In the circumstances, the application for leave to appeal is dismissed with costs, including the costs of one Counsel, with the costs to be paid by the Applicant's attorney *de bonis propriis*.

C TODD
ACTING JUDGE OF THE HIGH COURT
JOHANNESBURG

Date of Hearing: 21 August 2025

Date of Judgment: 3 September 2025

APPEARANCES

Counsel for the Applicant: Mr Malatji (attorney)

Instructed by: Malatji S legal Practitioners

Counsel for the Respondent: Mr M W Dlamini SC

with him, Ms L Rakgwale

Instructed by: Motsoeneng Bill Attorneys Inc